

1996

A False Public Sentiment: Narrative and Visual Images of Women Lawyers in Film

Louise Everett Graham

University of Kentucky

Geraldine Maschio

University of Kentucky

Follow this and additional works at: <https://uknowledge.uky.edu/klj>

 Part of the [Film and Media Studies Commons](#), [Legal Profession Commons](#), and the [Women's Studies Commons](#)

Right click to open a feedback form in a new tab to let us know how this document benefits you.

Recommended Citation

Graham, Louise Everett and Maschio, Geraldine (1996) "A False Public Sentiment: Narrative and Visual Images of Women Lawyers in Film," *Kentucky Law Journal*: Vol. 84 : Iss. 4 , Article 11.

Available at: <https://uknowledge.uky.edu/klj/vol84/iss4/11>

This Article is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in Kentucky Law Journal by an authorized editor of UKnowledge. For more information, please contact UKnowledge@lsv.uky.edu.

A False Public Sentiment: Narrative and Visual Images of Women Lawyers in Film

BY LOUISE EVERETT GRAHAM*
AND GERALDINE MASCHIO**

INTRODUCTION

The *Seneca Falls Declaration of Sentiments* claimed for women not only equality of rights under the law, but a cultural status that was not the product of compliance.¹ It sought to enfranchise women across the entire panoply of social activity, and to afford them representation in a number of areas.² Whether women have achieved the stature aspired to by the *Declaration of Sentiments* can be approached in a variety of ways. We have chosen to do so by exploring cinematic images of women lawyers.³

* Wilburt D. Ham Professor of Law, University of Kentucky College of Law. B.A. 1965, J.D. 1977, University of Texas.

** Associate Professor, College of Fine Arts, University of Kentucky. B.A. 1973, Eisenhower College; M.A. 1975, University of Connecticut; Ph.D. 1981, University of Wisconsin — Madison. The authors thank third-year law student, Heather Whitney, for her assistance in the preparation of this Article.

¹ See Judith Wellman, *The Seneca Falls Women's Rights Convention: A Study of Social Networks*, in *WOMEN'S AMERICA* 203, 203-15 (Linda K. Kerber & Jane S. Deltart eds., 4th ed. 1995).

² See generally *Declaration of Sentiments, 1848*, in *WOMEN'S AMERICA*, *supra* note 1, at 567, 567-70. The *Declaration of Sentiments* closely resembled the *Declaration of Independence*. It explicitly declared that "all men and women are created equal." *Id.* at 567. It then set out a variety of resolutions aimed at achieving that goal.

³ The development of motion pictures as widespread entertainment coincided chronologically with the rise of the women's suffrage movement. See MARJORIE ROSEN, *POPCORN VENUS* 32-35 (1973). Rosen notes that while numerous films, such as *WHY MR. NATION WANTS A DIVORCE* (1901) and

Popular film serves as a cultural text. When we look at a group of films on any given subject, we are also viewing a record of the culture that produced those films. Generally, films produced for mass or popular consumption reflect the dominant culture's ideology.⁴ By watching films whose main characters are female attorneys we can observe the stories about women lawyers commonly offered to the viewing public.

These stories exist in a context larger than the impact produced by any single cinematic portrait. The repeated representations of women lawyers in film have qualities associated with other allegorical kinds of stories, most notably myth, fable, and folklore.⁵ Like those traditional forms of storytelling, these films not only explain the composition of their "internal reality"; they offer suggestions about what external reality ought to be.

I. OFT-REPEATED TALES: FILMS AS MYTH, FABLE, AND FOLKLORE

Viewers interact with film on many levels, two of which are important to our analysis. Those planes of interaction are the narrative and the visual.⁶ On the one hand, a movie is usually a story about something. As a story it possesses the power of a narrative. Film's "narrative power" relates in part to language and the words spoken by characters. But "narrative power," as we define the term, means that films not only tell a story, but usually tell a story that is already known to the viewer in some other, familiar cultural variant.⁷ Watching a movie has

WOMEN GO ON THE WARPATH (1913), satirized suffragettes, the women's suffrage movement also used film to carry its message. Sylvia Pankhurst starred in WHAT EIGHTY MILLION WOMEN WANT (Unique Film Co. 1913), a film in which the heroine was portrayed as an attractive and marriageable young woman, contrary to stereotypes of the day. *Id.* at 32-33. Emmaline Pankhurst produced the film. Diane Waldman, *There's More to Positive Image than Meets the Eye*, in ISSUES IN FEMINIST FILM CRITICISM 13, 13 (Patricia Erens ed., 1990).

⁴ See, e.g., MOLLY HASKELL, FROM REVERENCE TO RAPE 2 (1973) (arguing that the movie industry focuses on women as the "weaker sex" thus "reinforcing the lie" that women's role in society is to be inferior to men). Two early and influential books on Hollywood's treatment of women in film are organized to reflect cultural and social developments. See *id.* at 11; see generally ROSEN, *supra* note 3.

⁵ See HASKELL, *supra* note 4, at 11.

⁶ See generally *id.*

⁷ For example, the film THE CLIENT (Warner Bros. 1994) is reminiscent

a close relation to the experience of hearing a folk tale, or the repetition of a legend, or myth.⁸ The characters are larger than life, visually and symbolically. They engage in some activity that does not or cannot occur within our everyday experience, yet the story being told is usually not so divorced from reality that it must be disregarded by the viewer.⁹ The larger-than-life characters and actions are generally rooted in reality, or at least they resemble the viewer's perception of reality. If imagined, they are not imagined in a way that would offend strongly held taboos. Viewers, in turn, respond to the story's familiarity.

In addition to their narrative quality, an essential attribute of motion pictures resides in their iconography, the unique way that movies tend to present the conventional images and symbols associated with an oft-told tale. These visual images are the vehicle by which we receive film's narrative qualities, and they shape that narrative for the viewer in

of the Demeter myth because Regina Love gives up a child. See EDITH HAMILTON, MYTHOLOGY: TIMELESS TALES OF GODS AND HEROES 47-54 (1942) (In the Demeter myth, Demeter lost her only child, Persephone. Demeter grieved for her daughter, and no matter how she tried to conquer this grief she continued to mourn. Finally, she found solace after Zeus sent her daughter back to her for all but four months of the year.). Similarly, MUSIC BOX (Tri-Star 1989) has a theme often found in folk tales. The plot turns in part on the main character's inability to recognize evil when she sees it. A child's inability to recognize hidden identity while on an errand of mercy is a part of simple stories, including fairy tales like *Little Red Riding Hood*. See BRUNO BETTELHEIM, THE USES OF ENCHANTMENT: THE MEANING AND IMPORTANCE OF FAIRY TALES 66-67 (1977) (arguing that *Little Red Riding Hood* sees two distinct beings in her grandmother — the grandmother and the wolf; this symbolizes both the loving and threatening sides of the grandmother.). Other movies may also provide this previously experienced variant. The list of movies in which the main female "good" character does not recognize the identity of the "bad" male character is probably endless. For example, the relationship of Teresa Wright and Joseph Cotton in *SHADOW OF A DOUBT* (Universal 1943) reflects this theme. See generally ROSEN, *supra* note 3, at 219-27 (arguing that women like Wright are blinded by love in the movies and therefore dismiss their instincts).

⁸ See BETTELHEIM, *supra* note 7, at 35-41. For a discussion of the symbolism of fairy tales in a legal context, see Lisa Binder, "*With More Than Admiration He Admired*": Images of Beauty and Defilement in Judicial Narratives of Rape, 18 HARV. WOMEN'S L.J. 265, 266 (1995) (suggesting that the story of *Beauty and the Beast* provides the fundamental imagery used in appellate decisions involving prosecutions for rape).

⁹ See HAMILTON, *supra* note 7, at 17.

important and often subconscious ways.¹⁰ The visual images offered by films also employ a repetitive and, therefore, familiar symbolism.¹¹ Imagine, for example, watching one of the movies that we discuss in this Article, *The Client*, with the sound turned off, so that the verbal portion of the narrative is missing. There is little doubt that a viewer would be able to distinguish heroes and villains simply by reference to the visual images presented by the movie.

Taken together, a film's story and pictures have many qualities that are similar to traditional myth or folklore. Like myth and folklore, movies are recognized on an objective plane as fantasy.¹² Nevertheless, the stories and symbols of myth and folklore have some relation to real events. They often provide cultural explanations for those events.¹³ Motion pictures have a similar relation to reality. While the stories they offer may not be actual events, they offer similar cultural explanations by playing out the stories of fears, desires, and fantasies.¹⁴ Finally, movies, in a manner similar to myth and folklore, create recognizable character

¹⁰ Significant debate surrounds the way in which women viewers respond to film. See Judith Mayne, *Feminist Film Theory and Criticism*, in MULTIPLE VOICES IN FEMINIST FILM CRITICISM 48, 49 (Diane Carson et al. eds., 1994) (discussing the influence that the stereotypical images of women have had on perceptions of women and how the women's movement has attempted to dispel those stereotypical images). Some theorists have argued that "looking" is an essentially male activity. Other feminist critics have tried to explain how women, too, participate in an activity, watching film, that has strong associations with voyeurism and fetishism. See generally E. Ann Kaplan, *Is the Gaze Male?*, in POWERS OF DESIRE: THE POLITICS OF SEXUALITY 309 (Ann B. Snitow ed., 1983); Laura Mulvey, *Visual Pleasure and Narrative Cinema*, in FEMINISM AND FILM THEORY 57 (Constance Penly ed., 1988). Still others have used Marxist criticism to explain how women viewers integrate what they see. See Christine Gledhill, *Image and Voice: Approaches to Marxist Feminist Film Criticism*, in MULTIPLE VOICES IN FEMINIST FILM CRITICISM, *supra*, at 109, 113-14 (suggesting that the feminists employing neo-Marxism look less at what the particular film means and more at how its meaning is produced).

¹¹ See generally ROLAND BARTHES, *MYTHOLOGIES* (Annette Lavers trans., 1972) (evaluating myths and their relation to real life).

¹² Common statements such as "only in the movies" or "happy ending" evidence this distinction.

¹³ See, e.g., BARTHES, *supra* note 11.

¹⁴ See generally WOMEN AND FILM: A SIGHT AND SOUND READER (Pam Cook et al. eds., 1993) (presenting a collection of essays focusing on the contemporary debate regarding the representation of women in film and their practice as filmmakers and actors).

types, heroes and villains, and stock situations such as good overcoming evil. As a result, they become a cultural template against which viewers may unconsciously measure their other experiences.¹⁵ The images, and therefore the expectations that they create, become part of the cultural experience affecting both the conscious and subconscious perceptions of many viewers.¹⁶

The symbolism and imagery of film is a window into cultural notions of women's status in society. When movie plots and stories illustrate women's experience, they also comment on the outcome of engaging in particular behavior.¹⁷ Thus, films, like myths, folklore, and fairy tales, can be used to reward good behavior, punish bad behavior, and teach viewers the difference between the two.

Feminist film critics have written much about the way in which motion pictures have addressed the role of women in society.¹⁸ Some of those critics suggest that while narrative plot and convention may reflect the trends of a particular period, motion pictures have almost consistently tethered women in a secondary position, rewarding and empowering them with a happy ending only if they conform to acceptable social roles.¹⁹ Generally those roles are connected to love, marriage, and motherhood.²⁰ Traditionally these movies have relegated women to spheres and choices thought appropriate to their gender, and they have deflected women from entry into areas widely viewed as a masculine preserve.²¹

Hollywood's attitude toward women's roles is often cited as the primary evidence of this channeling.²² Traditional films seldom depicted a working woman as a normal and typical fact.²³ Women worked because they lost husbands or lacked them,²⁴ or because they sought to

¹⁵ See generally BARTHES, *supra* note 11.

¹⁶ See generally Mulvey, *supra* note 10.

¹⁷ See JEANINE BASINGER, *A WOMAN'S VIEW: HOW HOLLYWOOD SPOKE TO WOMEN, 1930-1960*, at 83-113 (1993) (analyzing the duality of female characters in film and the "good" and "bad" sides which affect their lives).

¹⁸ See, e.g., *id.* at 207-09 (arguing that women do not necessarily internalize all of the negative images portrayed in films).

¹⁹ See *id.*; see generally HASKELL, *supra* note 4; ROSEN, *supra* note 3.

²⁰ See generally HASKELL, *supra* note 4; ROSEN, *supra* note 3.

²¹ BASINGER, *supra* note 17, at 213-56.

²² See, e.g., *id.* at 7.

²³ *Id.* at 449-63; HASKELL, *supra* note 4, at 142-44.

²⁴ See LUCY GALLANT (*Paramount* 1955) (Jane Wyman builds a department store empire after being left at the altar); *IMITATION OF LIFE* (*Universal* 1934)

fill the void left by the loss of a child,²⁵ or they worked temporarily because all of the men had gone to war.²⁶ Moreover, women's temporary work in films usually fit within a comfortable niche. With the exception of war films, it was not so grimy and uninteresting as much of the work done by real life female workers, but it seldom involved women in professional life.²⁷ Some might argue that little has changed despite the increasing number of women working outside the home and the entry of a large number of women into a variety of professions.

Images of women lawyers seemed an obvious choice, not only because this symposium appears in a law review, but for other reasons as well. First, most people think of the legal profession as one opened to women only relatively recently,²⁸ so that films about women lawyers are films about women engaged in an historically male occupation. Second, women's desire to enter the legal profession seems a natural adjunct to activity necessary to effectuate the legal reforms that were central to the Seneca Falls Convention. A third, and perhaps the most important rationale, flows from the relationship between law and power. Law and the legal profession are often associated with power; so it follows that films about women lawyers will necessarily deal with the question of women's personal and political empowerment, even if they do so only in the subtext of the story.

In this Article we employ our own critical perspectives to explore the interaction of both the narrative and the visual qualities of movies to

(a widowed Claudette Colbert builds a pancake empire, or more accurately, her African-American friend makes the pancakes and Colbert builds an empire).

²⁵ See *TO EACH HIS OWN* (Paramount 1946). Olivia De Havilland has a child out-of-wedlock after she falls in love with a barnstorming pilot who passes through her small town. Her plot to leave the baby on the church doorstep and then reclaim it for herself goes wrong, and the child is taken by someone else. The someone else happens to be the wife of a young man who wanted to marry De Havilland, but was refused. Torn from her child, De Havilland starts a business, which is a great financial success. None of that seems to matter, and she spends much of the movie trying to get a glimpse of the child and rejecting other proposals. *Id.* See HASKELL, *supra* note 4, at 170-71.

²⁶ See *SINCE YOU WENT AWAY* (United Artists 1944). Claudette Colbert opens her home to war refugees and becomes a welder while her husband, played by Frederic March, is gone to war.

²⁷ See generally ROSEN, *supra* note 3, at 137-39.

²⁸ But see, e.g., VIRGINIA G. DRACHMAN, *WOMEN LAWYERS AND THE ORIGINS OF PROFESSIONAL IDENTITY IN AMERICA: THE LETTERS OF THE EQUITY CLUB, 1887 TO 1890* (1993) (discussing the creation of the first organization of female attorneys in America, the Equity Club, founded in 1886).

assess the way in which they have portrayed women lawyers. Movies in which a central character is a woman lawyer provide a perspective other than doctrinal discourse for exploring women lawyer's experience, both real and imagined.

The films we have chosen to consider are *Adam's Rib* (1949),²⁹ *The Accused* (1988),³⁰ *Music Box* (1989),³¹ *Class Action* (1991),³² and *The Client* (1994).³³ These films represent only a portion of the films that feature female attorneys.³⁴ Indeed, from the beginning of the movie industry, women lawyers have appeared as film characters.³⁵ We chose these films because they were accessible and relatively well-known. In addition, these movies provided images of a range of women attorneys, from the general practice lawyer³⁶ to the large firm corporate law

²⁹ Metro-Goldwyn-Mayer 1949; *see infra* notes 40-49.

³⁰ Paramount Pictures 1988; *see infra* notes 50-58 and accompanying text.

³¹ Tri-Star 1989; *see infra* notes 59-63 and accompanying text.

³² Twentieth Century-Fox 1991; *see infra* notes 64-78 and accompanying text.

³³ Warner Bros. 1994; *see infra* notes 79-90 and accompanying text.

³⁴ For a recent article exploring a wide variety of films about women lawyers and concluding that the treatment of women in film has real effects on actual women lawyers, see Carole Shapiro, *Women Lawyers in Celluloid: Why Hollywood Skirts the Truth*, 25 U. TOL. L. REV. 955 (1995); *see also* CAROLYN GALERSTEIN, *WORKING WOMEN ON THE HOLLYWOOD SCREEN: A FILMOGRAPHY* 227-29 (1989).

³⁵ According to F1 AMERICAN FILM INSTITUTE CATALOG: FEATURE FILMS 1911-1920, at 758 (Patricia K. Hanson ed., 1988), a movie called *THE RECKONING DAY* (Triangle Film Corp. 1918) featured as its heroine, Jane Whiting, "a bright young lawyer" who exposed a gang of spies and rescued the son of her senator fiancé. Although we were able to document that films such as *The Reckoning Day* had been made, we were not able to see any of the early films. What we know about those films we know only from plot synopses. We were not willing to include an extended discussion of them because we would have had to ignore their visual impact. There were other available films that we chose not to give full consideration. Some we excluded because we felt that movies in which a slasher pursues a woman lawyer were simply bad movies. *See* *GUILTY AS SIN* (Hollywood Pictures Corp. 1993). Other films such as *SUSPECT* (Tri-Star 1987), *THE BIG EASY* (Kings Road Entertainment 1987), and *THE JAGGED EDGE* (Columbia Pictures 1985) we also eliminated because the frame of reference is not the woman's legal ability.

³⁶ *See infra* notes 59-63 and accompanying text.

practice,³⁷ and from a young woman just beginning her career³⁸ to an older woman whose law practice is a second career.³⁹

II. AMANDA BONNER: *ADAM'S RIB*

Adam's Rib (1949) belongs to a film era considered to have had strong female roles and important female actresses.⁴⁰ Nevertheless, the movie itself is not only ambiguous in its attitude toward equality for women, but it paints an ambiguous image of the lead character, Amanda Bonner, as a woman lawyer. Amanda is active and successful, but she is also the comic catalyst for disorder. Her arguments and activity are the forces that upset order in the movie and she is shown that she is wrong in what she has said and done.

The movie plot centers around the relationship of Adam Bonner, played by Spencer Tracy, and his wife, Amanda Bonner, played by Katharine Hepburn. Adam is a district attorney assigned to prosecute Doris Attinger, a young woman who shot her husband after she discovered him in the arms of another woman.⁴¹

As the movie opens, the audience sees Doris Attinger commit the crime, which becomes front page news. Amanda Bonner, who has her own practice, is outraged at Doris Attinger's situation, and offers to defend her on the attempted murder charge. At the same time, Adam, who is a New York City district attorney, is assigned to prosecute the case. The conflict between defense and prosecution is not confined to the courtroom and begins to affect Amanda and Adam's relationship. Amanda gets the better of Adam in the courtroom, but in the process she subjects him to ridicule. He retaliates by turning the tables on her to prove an intellectual point, and the relationship seems irreparably ruptured. The couple is reconciled only when their roles, which have been purposefully ungended throughout the movie, are recast in a more traditional and gender specific way.

It seems no accident that *Adam's Rib* takes a comedic form. Comedy prepares the audience to accept much in the film that is ludicrous in a real life setting. For example, comedy prevents criticism of the scene in

³⁷ See *infra* notes 64-78 and accompanying text.

³⁸ See *infra* notes 40-49 and accompanying text.

³⁹ See *infra* notes 79-90 and accompanying text.

⁴⁰ See generally BASINGER, *supra* note 17.

⁴¹ Judy Holliday plays the tearful perpetrator, Doris Attinger. Tom Ewell plays the victim-husband, Warren Attinger.

which the strong woman from a circus lifts Adam over her head in the courtroom to prove that women possess significant physical strength. Amanda's ability to take the decisive actions that win the case for her depend on the film's comedy status. The comedic form tempers Amanda's aggressive actions and allows Adam to take a more passive role without a total loss of status.⁴² The audience intuitively understands that the world of comedy is a world of anarchy — things are turned upside down, only to be restored later.⁴³ At the same time, the film's domestic comedy format also prepares the audience not to take any of the action or topic very seriously. It undercuts serious regard for the topic of women's equality.⁴⁴

The movie's comedic tone is established by the film's name as well as the names of the characters. The film title is a biblical reference: woman was made from the rib of Adam and is, therefore, his subordinate. But the word "rib," when used as a verb, also means to tease, thus connoting satire or parody, depending on the usage. The film depicts Amanda as a tease, in several senses of the word, but, as with any tease, there is a subtle message that she is not to be taken seriously. In addition, a "rib" is a means of support that gives shape and strength, as in a ribbed

⁴² See Diane Carson, *To Be Seen but Not Heard: The Awful Truth*, in *MULTIPLE VOICES IN FEMINIST FILM CRITICISM* 213, 215 (Diane Carson et al. eds., 1994); see generally NORTHRUP FRYE, *ANATOMY OF CRITICISM* 43 (1967) (discussing the role of comedy as a vehicle for acceptance in classical literature).

⁴³ There are six main characters in the film, three men and three women. Of those six, four characters form two couples. Adam and Amanda Bonner are the lawyers. Doris and Warren Attinger are the defendant and the victim. Each couple has an "outsider" who interferes with the marital relationship. In the case of Amanda and Adam, the outsider is their across-the-hall neighbor, Kip Larie, a sometime songwriter and playboy. In the case of the Attingers, the outsider is Beryl Caighn, the woman with whom Warren Attinger is having an affair. In each couple there is an errant spouse, whose activity threatens marital harmony and order, and a spouse who is displaced by the activity of the errant spouse. The errant spouses are the film's wrongdoers and their activity must be stopped for order to be restored. Order is restored only when the displaced spouse regains his or her rightful place.

⁴⁴ At least that's the way we see the film today. When it was made, critics such as John McCartens noted: "In the course of the legal action, the problem of equal rights for women crops up, and the principals kick it around at length." *The Current Cinema*, *NEW YORKER*, Jan. 7, 1950, at 48. Similarly, Bosley Crowther called the film a "rambunctious spoof." He thought Judy Holliday hysterical in her role as a "dumb but stubborn dame." Bosley Crowther, *Adam's Rib*, in *THE NEW YORK TIMES FILM REVIEW 1949-1958*, at 2283, 2283 (1970).

vault in a building or a rib on an umbrella. Amanda's socially appropriate role is as Adam's support. Adam espouses this view when he states that he is old-fashioned and prefers a wife who is not a competitor. That is the role to which Amanda is restored at the end of the film.

Throughout the film a theatrical framing device helps to set the action of the film apart from reality. A whimsical, drawn set of curtains form a stage. An act or internal curtain set between the drawn curtains is used to announce the film credits, as well as changes in the film's location or time of day. This theatrical framing device, used in both the early theater and in silent movies, seems out-of-place in a sophisticated domestic comedy. Film directors, however, sometimes employed the frame in order to undercut the action of the film. The presence of the frame helps to remind the audience that although the activities seem real, the viewer is really watching fiction or fantasy.

The film's plot and action are driven by subtly contrasting shifts in traditionally gendered roles. During the first moments of the film the audience sees the maid bringing up the breakfast tray, which she places outside the couple's bedroom. Amanda gets the tray, places it on Adam's bed, and attempts to wake him up. She pours his coffee and offers it to him. From the start of the film the balance of power is a traditional one — the woman serves the man.⁴⁵

As they discuss the attempted murder story in the morning newspaper, Adam and Amanda are revealed as two lawyers, who seem to be equal in their relationship and in their ability to discuss the case, but as they go to work this balance begins to shift. Amanda drives the couple to work. The image of her in the driver's seat could be a powerful one. However, her authority is undercut because the conversation that they are having about the newspaper story leads to Amanda's declaration of her passion for female equality. She proclaims that the double standard allows men to have affairs with impunity, but it subjects a woman to social scorn.⁴⁶ As she questions the fairness of society's view, she becomes excited and emotional, her driving becomes erratic and she almost has an accident.

⁴⁵ There is also the implication in this film that she makes the money. Adam is a district attorney, a public servant. In contrast, we see Amanda advising clients on contractual disputes in her own office.

⁴⁶ The *Declaration of Sentiments* stated: "He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man." *Declaration of Sentiments, 1848*, *supra* note 2, at 568.

Amanda's erratic driving is the strongest visual image in this scene. Not only does her driving make her a manic figure who cannot be taken seriously, it demonstrates that Adam is the actual authority figure in the couple. When Amanda almost misses the turn that she is supposed to make, Adam points to his right and declares, "here, pull over." She does so, cutting across two lanes of traffic, barely making the turn in front of other cars. To make the meaning of this shot indisputable, a cab driver's voice is overheard, shouting in exasperation, "You lady drivers! You'll put me away yet!" The scene belittles Amanda's competency as it relates her incompetent driving to her status as a female. Her female nature, represented by her emotional response, has caused her to be a "woman driver."

Adam arrives at his job with the district attorney only to find that the case of the "hysterical Hannah who tried to kill her husband" has been assigned to him by his boss. Reluctantly, Adam takes the case. Other lawyers in Adam's office tell him that the case will be a cinch, but he counters that it will not. He states, "a cinch, huh . . . you don't happen to be married to my wife." Learning that Adam intends to prosecute Doris, Amanda decides to represent her. Amanda pursues the case aggressively, determined to champion the cause of equality.

Later that evening, before a formal and elegant dinner party the couple is giving, the movie audience sees Amanda struggle with zipping the back of her evening gown. Amanda cannot fasten the back of her gown. She asks Adam to assist her, but he too struggles with the dress. At the same time he engages in a discussion about the ridiculous fastening systems of women's garments. During this exchange, Amanda is bent over the sofa with Adam leaning over her. Once again, she is implicitly trivialized. She wears clothing that she cannot get into without help. She is dependent on her husband who has difficulty with the task, not because he is inept, but because of the especially difficult nature of women's clothing. The contorted position of her body further subordinates Amanda because it puts her physically under Adam for most of the scene. At the same time, the struggle is amusing. Its effect is to show that Amanda's Yale Law School education is not very helpful in the real world.

The courtroom behavior of both characters moves from the plausible to comedic anarchy in which the courtroom is transformed into a circus. Amanda begins by asking the prospective jurors whether they believe in equality for women. She apparently intends to strike them from the jury for cause if they do not, an argument that might have seemed highly

inventive at the time.⁴⁷ The lightly comic jury selection scenes are followed by the testimony of the Attingers and Beryl Caighn, Mr. Attinger's lover. Amanda's cross-examination of Beryl is quick and aggressive. She gets Warren Attinger to declare that he has not loved his wife in years because she has gotten too fat. He admits under her examination that he has knocked his wife down and has stayed out all night. This section of the movie might almost be a courtroom drama, rather than a comedy, as Adam responds with equally sharp questions intended to show that Attinger's wife also mistreated him by hitting him while he was asleep.

In the final courtroom scenes that precede the summation, Amanda suggests that all women are on trial, and she indicates that she will call many women witnesses — who fill the courtroom's seats — to testify to their equal abilities. Both Adam and the judge object to this, and she is limited to three witnesses. The scene suggests that the presence of so many women in the courtroom is silly and unnecessary.

The first two witnesses are realistic and credible, although there is nervous laughter throughout the courtroom when one of the women announces that her husband cannot object to her supervisory position because his subordinate company position means that she is his boss. The last witness, an acrobat and strong woman, turns the courtroom into a circus. The actress involved is a tall, large woman, dressed in a suit and sturdy shoes, but she shows her athletic skill by doing a series of back flips across the courtroom. She then picks Adam up and, using only one hand, hoists him above her head. The entire courtroom breaks down in laughter at the witness' antics. The judge must call for order, which is not achieved. Amanda has crossed the line between dramatic testimony and theatrics. In attempting to put all women on trial, she has unwittingly moved the situation from the novel to a comedic anarchy.

Throughout the film, courtroom scenes alternate with scenes of the couple at home. The at-home scenes document the deterioration of their relationship. From the beginning Adam is disturbed by the situation. After Amanda announces that she will represent Doris Attinger, he pouts through the dinner party entertainment. He refuses to respond to Amanda's attempts to engage him in conversation. After the guests have

⁴⁷ The United States Supreme Court has held that the state may not use its peremptory challenges, those that it need not explain, against jurors on the basis of gender. In *J.E.B. v. Alabama*, 114 S. Ct. 1419 (1993), the State of Alabama had struck all of the men from the jury in a paternity suit. The Court held that this use of peremptory challenges was a denial of equal protection. *Id.* at 1430.

gone Adam asks Amanda not to take the case to court. He warns against turning a court of law into a "Punch and Judy" show, and he threatens Amanda that he will "cut [her] into twelve little pieces and feed [her] to the jury."

When the couple returns home after the first day in court, Amanda asks Adam if he had to "mix it up [in court] with a tough customer." In this pivotal set of scenes, Adam and Amanda change gender roles, as Adam identifies himself with emotion and Amanda relies on principle. In the kitchen, Adam asks Amanda to respect his "feelings" and to drop the case because it makes him uncomfortable. He is disturbed by the picture of Amanda on the front page of the paper and the ridicule that it casts upon the case. He tells her that she could handle the case from her desk and that the scenes in the courtroom will only get sillier and more difficult. Amanda relies on justice and history to argue that she cannot drop a good cause in which she believes and which, she argues, belongs to "everybody."

The unhappiness and confusion caused by the transposed roles are reinforced by Adam's habit of transposing words when he is agitated. In the final courtroom scenes, Adam continues this behavior, signaling to the audience that his cool, rational self has been affected. During his summation, Adam begins to argue with Amanda and is so shaken that he calls her by a private nickname, Pinkie. When he loses the case, his response is righteous indignation. The matter rises above his bruised ego and becomes, in Adam's words, a case of "contempt for the law."⁴⁸ Adam likens this contempt to contempt for the marriage contract and contempt for him. He tells her that he wants a wife, not a competitor.

The couple are further estranged when Adam, finding Amanda at dinner in a male neighbor's apartment, offers to shoot first the male neighbor and then himself with what turns out to be a candy gun. After Amanda begs Adam not to shoot her friend, Adam taunts her with the argument that she does not really believe the defense she presented in court. They are brought together only when Adam breaks down and begins to weep during a meeting with the couple's tax consultant. Amanda cuts the meeting short to care for Adam by taking him back to their country retreat, where they are reconciled. In the film's final scene

⁴⁸ The PCA initially refused to sanction a 1937 film *Portia On Trial* because the woman lawyer argued that society as a whole was to blame for her client's unlawful acts. F3 THE AMERICAN FILM INSTITUTE CATALOG OF MOTION PICTURES PRODUCED IN THE UNITED STATES: FEATURE FILMS, 1931-1940, at 1680 (Patricia K. Haner & Alan Gevinson eds., 1993).

Adam tells Amanda that he has been asked to run for judge. He admits to feigning tears so that Amanda would feel sorry for him. He says that men can also engage in emotionally manipulative behavior, and he demonstrates his crying ability. Amanda argues that this simply proves her point — men and women are equal. But Adam has the final word.⁴⁹ As the couple sit on their bed he says that there is one “little difference” between the sexes that will always remain, and the film ends with the statement “*vive la difference.*”

III. KATHERINE MURPHY: *THE ACCUSED*

The Accused tells the story of a gang rape victim's attempts to have the legal system recognize that the men who raped her committed a violent sexual crime. In the film, Kelly McGillis plays Katherine Murphy, the prosecuting attorney who must establish that a crime has been committed. Jodie Foster plays Sarah Tobias, the rape victim. *The Accused* is a film with a strong point of view about the crime of rape and the legal system.⁵⁰

At the beginning of the film Sarah is both an accused and an accuser. She accuses the men of raping her, but she is accused of provoking and perhaps even enjoying the incident. Since the movie is really about Sarah Tobias' struggle for recognition and her refusal to remain a victim, the title suggests that, as the victim, she is really the accused party. If she remains a victim, and therefore an object, she will remain the accused. Only when she fights back against her own perceptions of unfairness is the brunt of the accusations shifted to the crime's perpetrators.

The film focuses on the relationship between the two women and the way that the relationship's growth empowers each. Sarah Tobias wants public acknowledgment of the crime against her, but to gain that acknowledgment she must first teach her female attorney how to see the incident through her eyes.

⁴⁹ Compare HASKELL, *supra* note 4, at 26-27, 223-30 (comparing *Adam's Rib* to Jane Austen's stories of equal relationships within marriage) with Judith E. Smith, *The Marrying Kind: Working-Class Courtship and Marriage in 1950s Hollywood*, in MULTIPLE VOICES IN FEMINIST FILM CRITICISM, *supra* note 42, at 226, 231 (describing Garson Kanin and Ruth Gordon, who created *Adam's Rib*, as writers interested in the irreconcilable differences in the sexes).

⁵⁰ But see, e.g., Carol Clover, *High and Low: The Transformation of the Rape-Revenge Movie*, in WOMEN AND FILM: A SIGHT AND SOUND READER, *supra* note 14, at 76, 81 (arguing that the film errs by taking focus away from the rape victim and placing it on the female attorney).

There are, however, other subtle and contrasting messages within the film. Ultimately, Katherine's decision to believe Sarah Tobias rests on a novel piece of evidence — a scorpion tattoo on the wrist of one of the perpetrators — that proves to her Sarah is not lying. In addition, Katherine's ability to prove her case in court rests on the testimony of a young, male college student who witnessed the rape. Sarah's justice comes to her only after the young man consents to testify.

As other writers have noted, location plays an important role in *The Accused*.⁵¹ In the movie's opening scenes the camera moves toward the bar where the rape takes place. The scene is set at night. The bar's sign flashes on and off, so that it takes a moment to see the symbolic name. The bar is called "The Mill." Located under the freeway overpass, the bar's location and its other visual attributes suggest that those who frequent the establishment are from a lower economic class. Symbolically they are being passed over by those on the freeway above. Suddenly, the door of the bar bursts open and a young woman runs screaming down the highway, away from the bar. A young man is inside a telephone booth calling the police.

The movie begins by establishing a dichotomy between characters who have authority through their association with the law and those who are either victims or caretakers of victims. Katherine resides on one side of that line, and Sarah resides on the other.

The camera takes an unflinching look at the rape examination administered to Sarah at the hospital. The examiners are both soft-spoken women who try to reassure Sarah and to explain to her the reason for their actions. They seem sympathetic toward her as they attempt to carry out the necessary procedures. In contrast, the prosecuting attorney, Katherine Murphy, is businesslike and unemotional. Her actions illustrate that she is assessing whether this is a case that she can win. Her mind is on the available proof rather than on Sarah as an individual.

The audience first sees Katherine's face framed in the window of the examination room. The door frame focuses the viewer on Katherine, but it also symbolizes that she is something of a voyeur — an outsider looking in on the situation. When Katherine enters the room she has a shopping bag with clothes for Sarah. This is not a caring or nurturing gesture. As a lawyer, she knows that the clothes worn during the incident are needed as evidence for the case. Her gesture is not intended to assist Sarah, but to protect valuable evidence. The dialogue ensures that the

⁵¹ B. Ruby Rich, *Never a Victim: Jodie Foster, a New Kind of Female Hero*, in *WOMEN AND FILM: A SIGHT AND SOUND READER*, *supra* note 14, at 50, 56.

audience will have this view of Katherine. Katherine tells the rape counselor that she has read the incident report. She notes that drugs and alcohol were involved. Already Katherine is trying to figure out whether this case is a loser, to be bargained away, or whether it can be won. She asserts her authority in the situation by telling Sarah that she is not a rape counselor, she has a case to win.

Even Duncan, the male detective assigned to the case, is a studied contrast to Katherine's cool and impersonal efficiency. He tells Sarah that his nickname is Dunk, a gesture which both humanizes him and signals an offer to relate to her on some basis other than his official authority. His sad clown-like face makes him seem sympathetic and helpful in contrast to Katherine's bland, official presence.

If the contrast between the uneducated victim and the educated and institutionally-minded attorney is not yet clear, it is reinforced as Katherine drives Sarah home after visiting The Mill. During the drive, Katherine widens the gap that separates her from Sarah by laughing when Sarah asks whether she has been to college and rejecting Sarah's offer to do an astrological chart for her.

The next day, when the legal action begins, the balance of power switches as Katherine moves into the legal arena and a hierarchy in which she is not the person with the greatest power. Each of the three defendants has a lawyer, all of whom are males, and together their voices drown out Katherine's arguments that the men should not be released on bail.

If Katherine's place on the hierarchical totem pole is lowered by this incident, Sarah's is nonexistent. Katherine has been silenced in the courtroom, but Sarah is not even present in the courtroom when the arraignment occurs. She hears the news on television before Katherine arrives to tell her what has happened. In a confrontation between the two women Sarah angrily tells Katherine "The guy on TV made it look like I did a live sex show." Katherine responds with the reality of the kinds of questions that Sarah will be asked in a prosecution for rape. While Katherine is clearly angry, she reigns in that anger and coldly recites questions that Sarah will be asked. The questions progress from those that suggest Sarah's complicity in the crime to those that are demeaning and insulting.⁵² At the same time, she excuses both herself and the legal

⁵² Katherine begins by asking how Sarah was dressed and whether she "put on a show." She moves to whether Sarah has ever had sex with more than one man at a time, how often she goes to bars, and whether she wears underwear when she does. See Binder, *supra* note 8, at 294 (discussing the localizing

system. She tells Sarah that these are not her own questions, and she implicitly sanctions the defense's use of the questions, telling Sarah that the defense's job is to prove that the prosecution has a lousy witness.

As Katherine continues with the case the victim's exclusion from the process is visually emphasized. Katherine wants to interview Sarah's friend, Sally,⁵³ who works at The Mill and was present when the rape occurred. Sarah brings Sally to Katherine's office. Her stunned expression when she is asked to leave tells the audience that she was expecting to sit in on the interview. Katherine, who knew the process, has not bothered to share it with Sarah. The scenes in which the audience watches Sarah deal with that exclusion give visual emphasis to Sarah's isolation. The long corridor that she must use to get to Katherine's office has no visual markers to explain the path. There are no signs, no arrows, and no explanation. Once Katherine asks Sarah to step outside, Sarah can see Sally talking to Katherine through a glass panel next to the door of Katherine's office, but she cannot hear what is being said. The chief prosecutor passes by and gives her a long, neck-stretching look that does not disguise its rude invasion. All of this is disorienting to Sarah, and Jodie Foster uses facial expression to show the inner struggle that confronts her character as she tries to remain in this place.⁵⁴

Having suffered exclusion, Sarah gets no reward. Katherine's interview with Sally has revealed that before the rape occurred Sarah expressed sexual interest in one of the perpetrators. Katherine reasons that Sally is a worthless witness who might inadvertently help the defense more than the prosecution. Katherine blames Sarah for her failure to reveal this information.

tendency typical in violent and nonviolent rape case opinions wherein the courts classify the victim in a particular familial or sexual niche).

⁵³ Sarah and Sally have the same name. This could symbolize either that they are twins, that is there is a similarity in their predicament, or that they are two halves of one personality, implying instability or mental illness. Sarah, who is outgoing and assertive, goes to the bar to have a good time and is brutally gang-raped. Sally, who is timid and wary, must go to the bar for work in order to support her young children. Because the bar's role in silencing Sally and the harm it does to her are not made explicit, it is tempting to see her merely as an extension of Sarah; that is, her only importance is to illustrate that Sarah has so little power that she has only weak and ineffectual friends.

⁵⁴ Though not as violently hostile as The Mill, these offices are another physical location in which Sarah does not belong. The implication is that the legal system is a "justice mill." Sarah's intrusion into this second "mill" results in psychological rather than physical harm.

An interlude at a hockey game demonstrates that the women characters are not necessarily as dissimilar as the audience has previously been led to believe. Sarah spent her leisure time at a bar, a location in which men were in physical control of the premises and where the men who frequented the bar established the rules of conduct. The bar is a sinister and violent place, particularly after Sarah leaves the front part of the bar and goes to the back room where the game machines, pool table, and juke box are located. Katherine, though she is more educated than Sarah and appears to inhabit a different and higher social world, also spends her leisure time at a male-dominated activity. She goes to the hockey game with another man from the office and her boss. Unlike Sarah, however, Katherine sits behind a high plastic screen as she views the game. The plastic screen keeps Katherine out of forbidden territory where she might be harmed, but it also means that she is a viewer and not a participant in the male-dominated scene.

Katherine's boss loves the game and all its violence. He is on his feet, shouting at the referee, expressing his opinion of the fracas below. Katherine appears to be detached. Viewers might think that she is thinking about Sarah, but her boss, who appears to know her well, realizes that she is unhappy because she is about to lose the case. He suggests that she can avoid a total loss by plea bargaining, and that he will consider the case a victory as long as the perpetrators serve some jail time. The scene suggests that the prosecution, like the hockey match, is just a game. Katherine needs to score and go on to another game that she can win.

In the bargaining process Katherine does well. She shows the videotape of a witness found by detective Duncan at the bar, even though she knows that he is a problematic witness. She is insistent and well-prepared. She looks involved. The speech that she makes about the photographs taken of a bruised and beaten Sarah has more passion and enthusiasm than her character has previously revealed. However, these qualities do not trump the cool and polished demeanor of an older male attorney hired to represent a college fraternity boy who joined in the rape. The boy's attorney tells Katherine that his client is young, an A student, and a person with a future. He will not allow the boy to plead guilty to any sex-related offense. The bargaining shift from rape to reckless endangerment is quite sudden, emphasizing that what counts is the bargain rather than the subject of the bargain or the persons involved.

After Sarah again hears her fate on the television, she barges into Katherine's apartment during a dinner party. Once again she goes into a place that carries some emotional danger for her, although this time her intruder status is a way for her to gain some control. She demands to

know why Katherine betrayed her. Katherine's explanation that the penalty is a felony carrying the same prison term as rape does not appease Sarah because it does not acknowledge what was actually done.

Sarah attempts to begin to rebuild her life, but one of the men who incited and watched the rape accosts her the next day in a record store. He is obnoxious and aggressive in his insistence that she go out with him. When she realizes that he was one of the men who encouraged the incident,⁵⁵ she crashes her car into his truck blocking her exit from the parking lot. At the hospital, Katherine comes to see Sarah. There, Katherine sees the man who has the corroborating scorpion tattoo on his lower arm.

Katherine decides that both she and the justice system have betrayed Sarah. She believes that the betrayal can only be rectified if all the men who urged on the rapists are prosecuted for criminal solicitation of rape.⁵⁶ She reasons that if the rape is on the trial record, then the men who are in prison for reckless endangerment will have to remain in jail longer because the sexual nature of their activity will be clear to the parole board. Katherine tells her boss that they owe Sarah. He threatens to fire her, and Katherine responds as strongly as she has to anything in the film. In effect, Katherine engages in the same kind of retaliatory activity as Sarah, but since she has no car to crash she can only threaten her boss that if she is fired she will sue not only the bar, the solicitors, and the rapists, but the district attorney's office as well, exposing every "sleazy deal this office ever made."

In the courtroom scenes the audience sees not only Sarah's painful testimony about the rape, but during corroborating testimony, a flashback to the actual rape itself. The placement of the rape's visual representation

⁵⁵ It becomes clear that he knows who she is when, as she struggles to start her car and get away from him, he makes thrusting motions with his pelvis.

⁵⁶ Other writers have noted that the use of criminal solicitation in this context seems unorthodox. See Clover, *supra* note 50, at 82. In her description of the rape, Katherine again uses the game motif. She talks about the way that the men in the room "got the rape going" and "kept it going." She says they cheered and goaded the participants. *Id.* at 81. Clover notes that *The Accused* is one of the first films to bring the rape-sports analogy into mainstream cinema. Game symbolism pervades both the crime itself and the legal system. Katherine initially doesn't want the case because it will break her winning streak. *The Accused* isn't the only movie with female lawyer characters in which game symbolism plays an important role in isolating women. This symbolism is also present in Tom Cruise's baseball practice in *A FEW GOOD MEN* (Columbia Pictures/Castle Rock Entertainment 1992).

is important because it comes only after those audience members who are willing to do so have already come to identify with Sarah through her association with Katherine. The audience does not see the actual circumstances of the rape until the film's emotional resonance is securely attached to a view of Sarah that emphasizes her strength and perseverance. As a persuasive work, the film sets up the action so that the audience is prepared to accept Sarah's free sexuality while she is in the bar and to agree that she is entitled to that behavior without suffering rape as the consequence.⁵⁷

While the film's structure is designed to persuade the audience of Sarah's rights, there are subtle issues involved in the presentation of the true picture of events demonstrated by Ken Joyce's corroborating testimony.⁵⁸ Ken is the young man seen in the film's first frames calling the police to report the incident. In spite of his knowledge, he has kept quiet until late in the film because he does not want his fraternity brother to spend more time in jail. Thus, even in a film made largely from a woman's point of view, the "good guys" are in possession of the critical truth. It is really Ken's version of the story that convicts the criminals.

IV. ANN TALBOT: *MUSIC BOX*

In *Music Box*, a woman lawyer, Ann Talbot, is undone by her relationship with her father. Her love for him blinds her, and undermines her legal abilities. Her emotional responses to the legal situation overcome her logical and rational skills, and "lawyer" is reduced to "female." Guided by her love for her father, and her implicit trust in him, she takes a path with a tragic ending.

In the film's opening scenes, Ann is shown as a woman from an ethnic background who seems comfortable with the old neighborhood and with the Eastern European customs that tie her to her father and his friends. The movie begins with Ann dancing with her father in a traditional Hungarian dance at a gathering of family and friends with a common ethnic heritage. Though the audience would likely recognize Jessica Lange, who plays Ann, they do not know Ann as a character. Other characters introduce Ann, announcing that she is a lawyer. They focus, however, not on her status as a lawyer, but on whether she is as nice as she is pretty. Ann is the favored child in the family, a fact reinforced by later dialogue between the characters. Throughout the

⁵⁷ Rich, *supra* note 51, at 55.

⁵⁸ Clover, *supra* note 50, at 82-83.

movie she intercedes between her father and brother and the world outside their ethnic and working class boundaries.

The dance at the beginning of the movie catches the viewer off guard, setting the tone of mystery and duplicity that continues throughout this movie. The dance is at first slow and sensuous. The audience sees only Ann's face. Not knowing the film's story, one might readily believe that Ann is dancing with a lover rather than her father. Soon the tone of the music changes and quickens and the camera draws back to show Ann's partner more clearly, revealing the difference in their ages and giving rise to more than one possibility. Because there is no dialogue, viewers are left to guess the dancer's identity.

The film's opening dialogue announces to the audience that the dancing woman, as yet unnamed, is a lawyer; yet Ann Talbot's professional status is not really the focus in these first scenes. The first words spoken in the film are an unnamed character's observation, "She's pretty, the lawyer." Another character comments that he hopes that she is also nice. The scene establishes one dimension of Ann Talbot's character. She is a loving and dutiful daughter who cares for her father and brother.

The colloquy about Ann's attractiveness is part of a subtle joke in which the speaker, who is serving the other characters with whom he is conversing, says that he hopes that she is nice because he has heard that the brother is not so nice.⁵⁹ He asks the man being served his opinion, and that man turns out to be the brother. This brief and subtle moment sets the theme of hidden identity that pervades the film.

The film moves quickly to a view of Ann as a lawyer, setting up the second, and oppositional, dimension of Ann's character. She is smart and competent. In the hall of a courtroom she talks with other lawyers and an unnamed man who appears to be a client. The client describes the way in which police failed to Mirandize him.⁶⁰ She knows that the particular policeman has a history of *Miranda* violations. Her assistant, Georgine,

⁵⁹ Throughout the film, Ann's brother, Karchi, is depicted as a loutish jerk. His ignorance is matched with a brutishness that suggests he represents a stereotype of an unquestioning peasant. Like issues of race, questions about class do not get addressed directly in very many films. In *Music Box*, the issue of Ann's class status is addressed only by reference to the fact that her brother and father were steel mill workers, in contrast to her former husband and his father, who appear to be quite wealthy.

⁶⁰ See generally *Miranda v. Arizona*, 384 U.S. 436 (1966) (establishing the rights which police officers must disclose upon custodial interrogation in order to preserve and protect individual rights under the Fifth Amendment).

reminds her that the police have two good witnesses to the transaction, but that one is a "hype"⁶¹ while the other is "solid gold." Ann replies that they will "dirty the hype and rub some off on the gold."

Ann's character is tough. When her client leans in close to her shoulder to tell her that she must be one foxy lady, she replies by reminding him that he is a scum bag and ought not to forget it. The scene implies knowledge, experience, and power. Ann is familiar with the policeman's history. She has the skills to attack witness credibility. In addition, the scene implies a professional separation between Ann and her clients. At the same time that she agrees to represent the accused criminal, she is not connected to him in any emotional way.

The call that will change her life interrupts this meeting. She rushes home, implying either that she has the power to stop her workday in the middle or that she is such a devoted daughter that she will stop everything no matter the cost.⁶² Her father has received a notice of deportation from the government. The notice is based on the government's allegation that her father lied on his citizenship application forty years earlier. The lie is no small one, for the government accuses her father of being "Mishka" a notorious Arrow Cross officer in the Hungarian Special Services, a branch related to the SS and responsible for hideous war crimes during World War II.

Ann's first response to the accusation is connected to both aspects of her character — the daughter dimension and the lawyer dimension. The plot of the film cannot develop without both. As a daughter, Ann cannot grasp the notion that the accusation against her father might be true. However, her experience as a lawyer is also at work. In the preceding scenes the viewer has seen Ann describe affecting the perception of truth by casting doubts upon witnesses. Her lawyer dimension has taught her to resist an opponent's version of the truth, and to craft a case that makes her version more plausible. Ann says, "This Michael J. Lazlo must have lied when he went for citizenship; he's accused of war crimes." Ann is implying that there must be another person who is the real wrongdoer, and who has the same name, age, and ethnic background as her father.

⁶¹ A drug user.

⁶² That she's clearly the family caretaker is underscored when she fusses at her father about being outside in a pair of shabby pants. This little vignette also sets the tone for the difference between "appearance" and reality. One might ask who cares whether a retired man wears shabby pants at home? But Ann has lived for some time in two worlds in which appearances matter. One is the legal system; the other is the world of her socially prominent former in-laws, the Talbots.

She lowers the accusation in this case to one that her experience as a lawyer tells her she can control. This case will be like the theft and drug-trafficking cases that she deals with routinely. The prosecutor will be wrong, and her father will not be Mishka.

Both Lazlo and the situation in which he finds himself play upon Ann's profession and emotions, drawing her more closely into the conflict. The film's structure supports the growing dramatic tension by alternating between scenes which visually depict the prosecutor's offices as both cold and oddly mechanical, suggesting the possibility of bureaucratic mistake, and scenes which reveal coincidences that indicate Michael's guilt.

When Ann and her father go to the Immigration and Naturalization Service ("INS"), they enter a tall glass and steel building. The interior has a futuristic decor, and the camera work emphasizes the mechanistic aura. As Ann and Michael rise up an escalator, the camera shoots back down to the disorienting pattern of the floor tile below. The floor pattern resembles a gear leveraging them to the top of the building. As the camera tracks the rising interior glass walls with exposed pipes and conduits, the whole interior is made to look like a hellish machine.

Though Ann tells the government lawyers that she is not representing her father, she automatically assumes that role when the INS agents and the government lawyer behave in an insulting manner toward her father. The government prosecutor, Burke, refuses to shake Michael Lazlo's hand, and speaks aggressively to him. Ann responds in anger. She is used to having power to represent her clients, and in this situation she asserts it reflexively. She assumes the lawyer role because she is a lawyer, and that training when combined with her filial protectiveness has set a moral trap for her.

Once outside the INS Ann tells her father that they will get him a lawyer, but Michael wants his daughter to represent him. Michael's request for legal representation mirrors the way in which he has used his children to represent that he is a "good American." Earlier he had protested to the INS officials that he worked in the mills and raised his children. He states that his son was a soldier in Vietnam and that his daughter is a lawyer, appealing to sacrifices made for his community and to his connection to its empowering structures.

In the cemetery scene, Michael also appeals to Ann through her connection to her dead mother. He tells her that she "has the same age like your Mama [sic] when she died." The subtext of this part of the film echoes the initial dance scene, and it is emotionally incestuous. Ann is being asked to show almost a marital unity with her father.

This heavily emotional context mutes the next clue that Michael is indeed Mishka. Michael explains the confusion about his identity by telling Ann a story. He tells Ann that after the war, Communists came to the refugee camps looking for anti-Communists for repatriation and punishment. Michael tells Ann that camp inmates believed that an agricultural occupation was the best assurance of a chance to get to America quickly. He tells Ann, "I *said* I was a farmer." She understands the nuance enough to ask, "Weren't you a farmer, Papa?" He reveals to her that he was a policeman, but he claims that during the Nazi occupation he could not stomach police work and asked to be made a clerk.

Ann's response to this representation by her father is controlled not only by the setting in which they speak, but also by Michael's use of physical contact to deflect Ann's inquiry and to unite their interests through an appeal to her familial devotion. He asks her to take his hand as he puts the question of his guilt to her. The visual image suggests that Ann cannot be a lawyer in this context. She cannot be as questioning and as rational as she needs to be.

When Ann decides to take the case, she leaves the office in which she regularly practices and goes back to the firm run by her former father-in-law, Harry Talbot. Harry is roughly the same age as Ann's father, and during World War II he served in the OSS (the Office of Strategic Services). Harry has connections, but not all of them are pleasant to consider. Before Ann begins the trial, one of her office mates reminds her that it is rumored that Harry Talbot sipped whisky with Klaus Barbie. Again, Ann is unable to grasp the implications of Harry's interest in protecting her father and the friendship between these two very different men. During a conversation in which Harry emphasizes the fact that the judge who will hear the case is Jewish, Harry first refers to Michael as Mishka. He tells Ann that the Holocaust is the "world's sacred cow." She, however, cannot understand the barely coded message that he is sending her, and she apparently does not find it at all disturbing when Harry sees no moral implications in the survivors' testimony. For Harry, the trial is not a moral examination. The holocaust survivors appear to him only as people who are difficult to cross-examine, and he resents the fact. He refers to them as secular saints, mocking their suffering.

Once Ann begins to study the case files, she experiences the horror of Mishka's activity. She appears drained from having read the survivors' testimony about their treatment at the hands of the Arrow Cross. Evidence in the case file seems to connect her father with the crimes, and her own experience adds to her anxiety. There is a photo ID with her father's picture and signature, and there are witnesses who speak of

horrible crimes against Hungarian Jews. Ann knows that her father has no Jewish friends, and that he disapproved of her college friendship with a Jewish boy. She tells her father that she feels ashamed to belong to a group who tolerated the brutal behavior described in witnesses' statements.

Ann's lawyering skills lead her even further from the truth when she finds a case in which similar events resulted in the government accusing the wrong man. Armed with this precedent, she is once again able to believe her father's story and to avoid the warnings that are coming from other characters. When Ann's legal assistant, Georgine, confides that her investigation has revealed Michael's secretive nature, Ann focuses on the fact that her father has had a relationship with the woman who makes donuts at the church. She does not even ask about the identity of Tibor Zolan, her father's other mysterious friend. She manages to find the revealed information both funny and endearing. Her father encourages her false view that she has found out what there is to know, commenting "damn lawyers — they find out everything."

Once Ann enters into the litigation she does not seem to be squeamish about doing what she thinks she has to do to win. She invites Burke to dinner and suggests that he prosecutes war criminals to assuage his guilt over killing his wife by driving drunk. It is an ugly picture and does not flatter her.

In the courtroom Ann's persona changes. As the lawyer, she is not the caring individual that we have seen before. Her witness examination stresses that the document examiner's inspection of a photostatic representation does not mean anything, highlighting that he could look at it only "indirectly" and that his conclusions are not "definitive." Even if the suggestion that the document is not genuine were acceptable litigation strategy, Ann goes farther. She asks witnesses if they are Jewish, implying that group membership taints their testimony.

Even when the witnesses are not government officials and had no part in the actual tragedy, she pursues the attack. She asks a woman who tells a heart-wrenching story about the shooting of a young boy and his mother whether the woman made a phone call to her son, a Communist official in Hungary. She cross-examines a man who had once been roped together with his dead family members and thrown into the Danube by suggesting that the photo lineup used to identify her father was staged in a way that suggested her father's photo was the correct one. Moreover, she attacks a witness who was a janitor at the police station by suggesting that he and another witness met in a hotel room to discuss the case.

While Ann acts as a lawyer she appears divorced from other parts of her life. A viewer watching only the trial scenes would not necessarily connect the lawyer with the woman who abhorred the murder of Jews.

Finally, Ann's own experience creates doubt about her father's innocence and also prevents Ann from continuing her relentless questioning. The last witness is a woman whose horrifying story of gang rape and impalement on a bayonet reminds both Ann and the viewer of an earlier scene in which Michael showed his grandson how to do pushups. The woman remembers the words said by Mishka, and they are the same words Ann has heard from her father. Ann is unable, or unwilling, to cross-examine the woman.⁶³

When Ann's father collapses during the trial, he once again sets Ann off her moral compass. She is unable to listen to Georgine's growing concern about Tibor Zolan, a man who received substantial sums of money from Michael before being killed by a hit-and-run driver. In desperation, Ann relies on the cynical assistance of her former father-in-law, Harry Talbot. Harry uses his connections to give Ann access to a former KGB-CIA double agent, who testifies in support of Michael's theory that the Hungarian government is out to get anti-Communists.

In response, the government comes forward with another Hungarian witness who is too ill to travel to this country. When Ann arrives in Budapest, a box of marzipan is delivered by a stranger. The box contains affidavits in which the Hungarian witness has also accused other men of being Mishka. Ann does her job very effectively, using the affidavits to cast doubt upon the witness' credibility. Once again Ann wins the case. The judge does not believe that Michael Lazlo is Mishka, and eventually he dismisses the case.

Leaving Budapest, Ann crosses a bridge located near the guard barracks in which Mishka was stationed. She goes to the apartment of Tibor Zolan's sister and sees photographs that reveal Zolan to have been Mishka's compatriot. Zolan's sister gives Ann a pawn ticket that was returned to her with her brother's effects.

The action speeds up, and Ann goes quickly to the pawn shop to get the music box pawned by Zolan. The box contains the pictures that are

⁶³ For the suggestion that a lawyer has an obligation to justify his representation of a heinous client, see Monroe H. Freedman, *The Lawyer's Moral Obligation of Justification*, 74 TEX. L. REV. 111 (1995). Whether or not one accepts the article's argument, it is interesting to note that the dispute around which the article is organized relates to the well-known case of John Demjanjuk. Demjanjuk's case bears a strong similarity to some of the events and accusations in *Music Box*.

clear evidence of her father's guilt. The pictures rise up out of the box as it plays an innocuous tune. It is a pretty object, but it contains an evil at its center. Ann confronts her father with his guilt, but he continues to deny it. When he can do nothing else, he threatens her.

Her life is over as she knows it. She tells her father that she never wants to see him again. We see her sending the photos to Burke, symbolically sending away that life. In the last scene, she is out on the terrace of her house facing the lake. She takes her son into her arms and they seem to talk. They bend together in body language that suggests deep sadness. We see them through a door, as if they have passed into another world. The sky is only a slightly different blue from the lake. The visual impact of the scene is one of great emptiness.

V. MARGARET ELEANOR WARD: *CLASS ACTION*

Class Action is another movie about a woman lawyer and her father. In contrast to the protagonist of *Music Box*, whose downfall is her love for her father, Maggie Ward's anger against her father drives her actions through most of this movie. Initially that anger leads her to reject her father's values and to enter into a law practice that is diametrically opposed to his. The film focuses on the personal and social value conflicts between the daughter's character, played by Mary Elizabeth Mastroantonio, and the father, Jed Ward, played by Gene Hackman.

The film's title suggests both the type of lawsuit that is the vehicle for this father-daughter conflict — one in which a single plaintiff seeks to represent the rights of a large group of similarly affected claimants — and the idea that the legal system is stratified into different classes of law firms. Throughout the film the concept of hierarchy plays an important role. Maggie works for a large, multi-named law firm; Jed has his own small law firm dedicated to representing small clients. Maggie is an associate at her firm, a position which is low in the intrafirm hierarchy. Jed is the head of his own firm. He not only controls the firm, but he is involved only in the glamorous work within the firm.

The film also portrays lawyers as hard, smart characters.⁶⁴ Almost all of the lawyers in this film are very aggressive. In the opening scenes the film makes clear that Quinn, Califano & Lunt, Maggie's law firm, is

⁶⁴ Lawyers appear to like this film. At the University of Kentucky College of Law it has been used as the basis for ethics exercises in continuing legal education. Informal conversations with other law professors indicate that other schools use it as well.

a tough place where they do nasty work. The opening scenes of the movie show Maggie in the courtroom as she argues a motion designed to terminate the case in favor of her client, the defendant. The courtroom is a huge visual space that dwarfs the lawyers and the litigants. As the camera moves in on Maggie, she completes her work quickly and efficiently. She is cold and emotionless when she tells the court that emotions have no place in the court's decision in the case before it, a case that involves a simple case of a contract willingly executed. In another part of the scene, she argues that it should not matter that her client is wealthy, arguing that the law is not grounded in charity. In these scenes, Maggie visually appears hard-edged. She wears a dark suit that looks almost exactly like those worn by the male associates. There is no decoration on the suit. In fact, there is almost no color because, unlike the males, Maggie does not wear a tie.

As she exits the courtroom with the other young associates from her firm, they talk about the record time in which she has won the case. One of the associates boasts that she "pasted them in twelve minutes." This kind of discussion reinforces the aggressive nature of the adversarial work in which Maggie is involved. When lawyers in this movie talk about winning cases, they are not just referring to winning, they are talking about annihilating the other side. As the young associates stride down the hall of the courthouse they remind viewers of the Jets in *West Side Story*⁶⁵ or the riders in *The Magnificent Seven*.⁶⁶ It is difficult to determine whether the symbolism represents gang warfare or gunslingers. In either case, the motif is war and Maggie is a trained killer.

In contrast to Maggie, Jed Ward appears to be a slightly worn English professor, rather than a hard driving attorney.⁶⁷ Gene Hackman plays Jed in a style that is genial and gregarious. In the first scene in which he appears he is sitting casually atop a desk, speaking to a jury in a courtroom. His style is folksy and avuncular. At the same time, his argument is emotional. He tells the jury that this is not a court of law,

⁶⁵ WEST SIDE STORY (United Artists 1961).

⁶⁶ THE MAGNIFICENT SEVEN (United Artists 1972).

⁶⁷ It is possible that Hackman's courtroom characterization is meant to suggest the lawyer's favorite lawyer: Atticus Finch of *TO KILL A MOCKINGBIRD* (Universal 1962). Recent articles have argued that the mythological stature of Atticus Finch ought to be reconsidered. See Teresa G. Phelps, *The Margins of Maycomb: A Rereading of To Kill a Mockingbird*, 45 ALA. L. REV. 511 (1994) (concluding that Finch, the ideal lawyer and citizen, was ignorant of the problem of class distinction). In any case, once Jed leaves the courtroom his paternal style is nothing like that of Atticus Finch.

implying that there are no rules. He wants the jury to acquit his client, who has driven his truck into the office of a plant manager. The manager works for a company that the client believes has polluted the environment near his home. Behind Jed is a large photograph that illustrates for the jurors, and the moviegoers as well, the result of that pollution. Jed has created a strong personal space in the courtroom. The room appears to be smaller, more intimate and less institutional than the courtroom in which Maggie argued her case.

Jed implies that the defendant, his client, should have been given an award for doing justice, but he was sued instead. He speaks directly and personally to the jurors, asking them what price they would put on life. He asks jurors individual questions about the value of the lives of those closest to them. At the end of his personal and emotional speech, the courtroom audience applauds and cheers. Pandemonium rules in the courtroom as Jed persuades the courtroom audience to disregard the rules and cast their jury vote on some other basis.

Jed's courtroom style and his defense of the "little guy" do not prevent him from viewing the courtroom as a battleground. When he talks with his law partner, Nick, played by Laurence Fishburne, he admits that he loves the "David and Goliath cases" on which he has built his firm.⁶⁸ When the case that will pit father and daughter against each other is discussed, Nick and Jed agree that they should "nail those Argo bastards to the wall." Jed adds that it would be fun to "kick their asses."

The aggressive tone inflects a great deal about the relationship between Maggie and her father. Even before the litigation begins, Maggie runs into Jed in the courthouse elevator. Jed is carrying a gift for the anniversary of his marriage to her mother, and he says that they have been married for thirty-four years. Maggie corrects him, asserting that the number is really thirty-five. Jed retaliates by asking her whether she still bites her fingernails. This tense and competitive relationship persists throughout the movie. At one point, during the anniversary party Jed and Maggie play a game in which one shouts out the name of a case and the other must give the holding and circumstances.⁶⁹

⁶⁸ In the biblical story, David, a young shepherd boy, could not convince Goliath, the giant, to stop marauding by an appeal to justice or mercy. He killed Goliath with a single stone flung at the giant's forehead. Therefore, the symbolism of the story is not only the difference in the size of the combatants, but the idea that David can defeat Goliath. *See* 1 *Samuel* 17:49.

⁶⁹ Though we have not consulted Miss Manners, we feel certain that no one other than the participants think this is appropriate social fun. We might even venture to say that this kind of social interaction outside the courtroom may be

The father and the daughter in this film are polar opposites. The contrast pits the small firm against the big firm, social justice against corporate politics, and the sixties against the eighties. The visual images of this contrast are strong. Both firms are in San Francisco, but Maggie Ward works in a multistory steel and glass tower. Inside the building, the glass ceiling is set at a distorted angle. There are few people in the firm's large lobby, which is carpeted with oriental rugs. In contrast, Jed Ward's firm appears to be in a store front in a quasi-residential part of town. The rooms are small and the walls are crowded with books. Jed is shown sitting around a table with his associates like a family. The members of Jed's firm are also a diverse group; some are women, and his partner is an African-American man.

The movie's plot solidifies the confrontation between father and daughter. Maggie Ward is an ambitious young woman. Rumor has it that one of the firm's biggest clients, Argo Motors, is about to be sued by a plaintiff injured because the Meridian, a car manufactured by Argo, has exploded on impact.⁷⁰ The suit must be dealt with quickly because it affects Argo's chance to merge with another large firm known to be consumer-oriented.

Maggie views participation in this kind of litigation as the fast-track to partnership, and she is determined to get the job. In one early scene in the movie the viewer sees Maggie and another, male associate, Bernstein, talking to a young partner, Michael Glazier, who is directing the litigation. The associates vie for the young partner's favor. Maggie seems to have the edge because she knows more about the case. The young male partner argues that he ought to get the work because his hobby is rebuilding cars.⁷¹ After the associates are ushered out the door, Maggie sneaks back into the partner's office and continues the conversation.

the reason for the proliferation of jokes comparing lawyers to sharks. See James R. Elkins, *Pathologizing Professional Life: Psycho-Literary Case Stories*, 18 VT. L. REV. 581, 609, 844-47 (1993-94) (discussing problems that arise when lawyers have a different persona for professional and private interactions).

⁷⁰ See *infra* note 77.

⁷¹ The visual stereotyping in this scene may be intended as comic. The young male associate does not conform to our usual stereotype of a car mechanic. He looks both too "brainy" and slightly effeminate. Thus, when checked against a stereotype of a Brando-like, muscular young man with his cigarettes rolled into the arm of a T-shirt, he does not measure up. Maggie is more masculine than his character. The image is not really funny when one considers that it really only manages to demean both characters at once.

Michael agrees to give Maggie the work, but he tells her that there is a problem — the plaintiff's attorney is her father.

As angry as she may be at her father, Maggie goes to her father at the anniversary party to tell him that she has an opportunity to work on the Meridian case. His reaction is not sensitive to her feelings, and it fails to grant Maggie any status as an adult. Jed tells Maggie that she is not really going to get to work on the case because she is being used as a "parlor trick," implying that she has no substance.⁷² He tells Maggie that Quinn, Califano & Lunt must believe that when he sees "his precious daughter" he will "go all soft inside." It is at this point that the viewer begins to see the darker, narcissistic side of Jed Ward. His views about Maggie's participation in the case reflect back on him and make him the center of attention. Moreover, nothing that the audience has seen about his parental behavior would suggest that he would ever take Maggie's feelings into account, much less be emotionally undone by her presence in the courtroom.

After the confrontation with her father, the film shows Maggie awaking and watching television in the middle of the night. That she cannot sleep at night indicates the degree to which she is controlled by her emotions: the woman who is so carefully and tightly rational during the day cannot find peace at night. The scene also reveals to the audience that Maggie has an intimate relationship with Michael, the young partner. Their conversation illustrates that she believes that no one at the firm knows about the relationship; however, in other scenes, in which male associates make jokes about the couple's sexual behavior, the audience learns that either the lovers have guessed incorrectly or Michael has broken Maggie's confidences.

Maggie seems to live in a closed world that is inaccessible to human emotion and to other people. The boundaries of that world not only keep other people out, they fence in the lawyer. Maggie refuses to take a vacation because it would take her off the only meaningful road in her world — the partnership track. In a way, she has created a new world and a new family. The world of her firm gives her a new father (the senior partner, Fred Quinn), a lover-husband (Michael), and an array of bratty younger brothers (the other associates). There is a strong resemblance to the "Never-Never Land" of Peter Pan. Other than the faceless female

⁷² Jed calls Maggie "Maggie," a variation of "Sweetie Pie" and also the name of a bird whose call is often associated with mindless chatter. Jed's nickname for Maggie suggests his attempts to infantilize his daughter.

secretary who occasionally hands her her messages, Maggie, like Wendy Darling, is the only woman visible in the firm's world.

Maggie does have a strong bond with her mother, Stella.⁷³ Stella is caught between Jed and Maggie's anger. She chides both of them about their behavior, but neither will listen to her admonitions. Maggie tells her mother that she will not drop the case because "this is the first time I have him in a place where he doesn't make the rules." Maggie's conversation with her mother shows that she shares some of her father's narcissistic arrogance. Maggie reminds Stella that Jed has not been faithful to her and has mistreated her throughout the marriage. She emphatically states that if Stella will not retaliate against Jed, she will. While she loves her mother, she does not respect her mother's decisions and thinks she knows better. In this scene she cannot see the anguish that she is causing her mother or guess the way in which her mother may pay for insisting on this public battle.

All of Maggie's worst nightmares are about to come true. Her father makes a fool of her in her first courtroom appearance. Jed already knows about the availability of the information that he is asking Maggie to produce. He could just tell the court why this information ought to be made available to the plaintiff, but instead Jed drags out his performance, drawing Maggie further and further into the joke, finally revealing the truth to an uproar of courtroom laughter. The spectacle is so painful to Maggie's mother that she is forced to leave the courtroom. Jed adds to the tension after the hearing, telling Maggie that he will make her feel better by buying her an ice cream cone.

In the next scene, Stella is struck by an embolism, and she collapses dead on the courthouse floor. Stella is a casualty of the contest between father and daughter. With her death, the audience is left with the thought

⁷³ Stella is an archetypal "good woman." Her name calls up images of that archetypal sacrificial mother, Stella Dallas. *See generally* STELLA DALLAS (Samuel Goldwyn for United Artists 1937) (Stella Dallas is a young woman who marries outside her social class. To provide her daughter with the opportunities that the child's father can give her and to permit the girl to marry a wealthy young man, Stella pretends to have no time for or interest in her daughter, sacrificing her own feelings for the child for its best interest.); *Stella Dallas*, in 4 MAGILL'S SURVEY OF CINEMAS 1631 (1980). We guess that she is Hispanic because Jed refers to the soup he makes as Stella's menudo, a spicy soup often found in Hispanic communities. In many ways Stella is an outsider to the film's action. She is a primary school teacher, or perhaps an artist, at a poor school. She is the moral center of the film. Stella loves both her husband, in spite of his philandering, and her daughter in spite of her implacable hatred for the father.

that the spirit that kept both of these lawyers from being terrible individuals has gone forever.⁷⁴

After Stella's death, Maggie and Jed make an attempt at reconciliation when Jed invites Maggie to dinner. The evening quickly deteriorates into a heated argument. Looking at family pictures reminds Maggie that her father was never available to her when she was growing up. She confronts Jed with an affair he had with his law partner, who was also her mother's best friend and Maggie's role model. His response is angry and violent. While they argue in the kitchen he taps a big knife on the countertop in a manner that symbolizes his willingness to cut off other people's emotional needs.⁷⁵ At the end of the scene, an enraged Jed literally pushes Maggie out of the house.

As the movie continues, Maggie discovers the reasons for the Meridian explosions through meticulous review of Argo documents. Although Gatchel, the head of Argo's design and research, has assured Maggie and another associate that thorough outside testing has shown no problems with the car, Maggie finds a letter written by Gatchel's now-deceased supervisor, congratulating Gatchel for keeping the Meridian problem "in the family." When Maggie pursues the letter's implications, she finds the scientist who told Gatchel that there might be explosions if a circuit arced from the left rear blinker and penetrated the fuel pump.⁷⁶ She searches the scientist's notes which confirm his story.

⁷⁴ The audience senses that Stella was the moral compass of the family as Maggie tells a story about grape jelly after the funeral. Apparently when Maggie was a child she would only eat sandwiches made with grape jelly. Her mother did not want Maggie to eat grape jelly because the family supported the boycott against grape growers. At the same time Maggie's mother did not want to feed Maggie artificial grape jelly because she feared the harmful substances it might contain. Maggie explains that as a solution, her mother introduced her to marmalade.

⁷⁵ See Shapiro, *supra* note 34, at 967-68 (suggesting that repeated portraits of violence against women normalize attacks on women in other contexts, such as the Congressional hearings involving Anita Hill). Movies are not static. Whatever the intention of the filmmaker, movies may be seen differently by audiences who bring different experiences to the picture. Movies which may not have seemed violent when released may be cast in a much different light when viewed by modern audiences. *Id.*

⁷⁶ Gatchel is played by an actor with a distinct twang in his voice. Pavel, an expert witness, refers to him as a "hillbilly." Symbolically, the corporate wrong-doer's mistake is deflected onto an outsider subclass even though the character is male.

Maggie's proposed solution to the problem — that she convince Gatchel to tell the truth and they settle the case quickly — becomes an impossibility when Gatchel reveals to her that he took the action on the advice of a lawyer in her firm, and that Michael was that lawyer. Michael tries to convince Maggie that she too must hide the problem because she must forgive his mistakes. When she refuses, Michael threatens her with the loss of her job and ruin of her reputation as a lawyer.

Though Maggie realizes that Michael has betrayed her, she continues to trust the firm's senior partner, her other father figure. The partner, Quinn, decides that they cannot destroy the document revealing the problem, but that legal ethical rules permit them to "bury the document" among many other documents also being turned over to the plaintiff class. Maggie agrees to this resolution, but while at her father's firm for other reasons, she discovers that the document is not on the document production list, and that her copy of the document is missing from her office. Realizing that Michael has successfully destroyed the document, she goes to Quinn with the information and discovers that he also had a role in destroying the evidence.

Maggie has an emotional reunion with her father. He comes to her home to seek reconciliation. She admits to treating her father as the scapegoat for everything that has ever gone wrong in her life, and he admits to self-doubt.

The film's closing scenes seem intended to fool the viewer in the same manner that Maggie has been fooled throughout the film. Maggie's first actions indicate that she has accepted Quinn's offers: if she will handle the scientific witness Pavel so that Argo wins the case she will become the youngest ever partner at Quinn, Califano & Lunt. Slowly, however, the action reveals that Maggie has deceived Michael, and that she has revealed the name of a critical witness to her father.⁷⁷

The scientific witness, Pavel, is called to the stand, but Maggie shows that he is an unreliable witness. It is a mean-spirited cross-examination that mirrors an earlier deposition in which she reduced the plaintiff to tears. She humiliates the witness by indicating that he cannot recognize numbers that turn out to be his phone number, zip code, and birthday.

⁷⁷ The critical witness is an accountant who testifies that Argo was not willing to make inexpensive repairs to prevent the accidents because they believed it to be cheaper to defend litigation. In the actual cases involving the Ford Pinto, courts ruled that a jury could assess punitive damages because of the failure to implement modest corrections. *See Grimshaw v. Ford Motor Co.*, 174 Cal. Rptr. 348 (Cal. Ct. App. 1981).

Her last question to Pavel, however, puts the correct number of the Meridian report into the court record demonstrating that Quinn, Califano & Lunt's document production has not been forthcoming.

Jed then puts Michael on the stand, but Michael evades most of Jed's questions about the existence of the safety report. On cross-examination, Maggie asks Michael a direct question. Trusting her complicity in his action, he lies, thereby committing perjury. Jed next calls the accountant whose testimony will prove that Argo knew about the explosions and did not recall the car, and Michael realizes that Maggie has ruined his career by revealing this witness to her father.⁷⁸

The sheer intelligence of her revenge and the cool way in which she dispatches the firm and her former lover get lost in the film's ending. While Maggie has managed to expose the lies at Argo and at Quinn, Califano & Lunt, the actual resolution of the case pushes Maggie aside. At the critical moment in the trial when the judge orders the parties into chambers the senior partner, Fred Quinn, demands that only lead counsel should consult with the judge, and Jed agrees. Thus, the patriarchal figures resolve the issues. If Maggie's father ultimately saves her, he does so after a personal moment between them in which he has been unable to tell her that he loves her and by a method that infantilizes her at the same time that it must necessarily end her career at her own firm. It is as if Maggie is a piece of property being reclaimed by one patriarchal male from another. Her skill and intelligence in uncovering the lies is lost in the final scenes.

VI. REGINA LOVE: *THE CLIENT*

In *The Client*, Regina Love, a solo practitioner with only two years of experience, takes on both organized crime and the Reverend Roy Foltrigg, an experienced and politically ambitious attorney.⁷⁹ She helps her client, an eleven-year-old boy named Mark Sway, outwit the mob and Reverend Roy by assuming the power of equality for herself and for the child. Though much of the action in this movie requires a willing

⁷⁸ We might assume that most viewers have no idea that Maggie has also created serious problems for her own career by violating ethical rules related to client confidentiality.

⁷⁹ The character names are heavily symbolic. Regina Love is easily recognized as the "queen of love." Only slightly more subtly, "Roy" is also a king. Between them stands the child, Mark "Sway." The United States Attorney is Mr. Fink.

suspension of disbelief, it comes nearest to offering the audience a heroine.

Mark Sway has heard the confessions of a New Orleans' mob lawyer, Jerome Clayton. The confessions are made shortly before Clayton commits suicide on a riverbank somewhere near Memphis, Tennessee. Mark and his younger brother, Ricky, are in the woods smoking cigarettes when Clayton's car approaches. They hide and see Clayton put a hose into the tail pipe of his car. When Mark tries to remove the hose and prevent the suicide, Clayton catches him and hauls him into the car. The lawyer drinks, takes handfuls of pills, and babbles to the child that a gangster named Barry "The Blade" Muldanno is going to kill him. Mark's younger brother Ricky tries to help Mark, who manages to escape on his own. The drunken, violent attorney chases the boys and then kills himself as they crouch below him, hidden by the riverbank.

The episode reveals much about Mark's character and sets up the movie's dramatic conflict. The dramatic conflict arises because the encounter affects Mark in two terrible ways. First, Mark now possesses dangerous information and will become the object of a legal struggle. Second, his little brother, Ricky, is so traumatized by the event that he falls into a semi-conscious state labeled as post-traumatic stress.

The scenes also demonstrate to the viewer Mark's internal conflict. Mark is a child with adult responsibility. While his single-parent mother⁸⁰ works at a low wage job, he is in charge of his little brother Ricky. The family lives in a trailer park on the edge of town, residing at society's margins both economically and symbolically. Mark is also a marginal child in another way. As he describes himself later in the movie, he is "a little punk," an emerging rule breaker. The tension between his rebel self and his responsible self is apparent in the scene in which he shows his little brother how to smoke, but lays down a strict limit on the number of cigarettes to be smoked each day.⁸¹

⁸⁰ Mary-Louise Parker plays the mother, Diane Sway, with a body so limp and an air of such disorganized, loopy distress that we are surprised that she can get up in the morning. She has no control over her children or her own life. When she goes with her son, Ricky, to the hospital and expresses her fears and anxiety, the doctor gives her a good dose of Valium.

⁸¹ The viewer is reminded that Mark is a child by his estimations of the number of cigarettes smoked each day, some of which are impossibly inaccurate. The scene also shows that Mark associates smoking not only with the power of adulthood, but with the negative activity of the adults who smoke. Thus, he estimates that his hated absent father smokes one hundred cigarettes each day, while his helpless custodial mother smokes only forty.

Mark's first encounters with the legal system reinforce his distrust of adults. The police officer who finds him at the suicide scene and later takes his family to the hospital uses Mark's query about the meaning of the word indigent as an opportunity to tell the Mark that his failure to confess what he knows means that his little brother will "lie in some institution for dirt poor crazy people." He goes on to describe the way in which the FBI puts children in jail and gives a gory description, complete with sound effects, of the "kid-sized electric chair."⁸²

Having received his legal education on television, Mark knows that he needs a lawyer. Yellow pages in hand, he goes into a building to look for an attorney and stumbles through several offices. The scenes which follow allow the audience to enjoy the fact that even a child can identify inept lawyers. Finally, Mark finds Reggie Love's office.

The visual nuances of the scene establish that Reggie's gender will be part of the movie's text. When we first see Reggie Love she is crouched in a window, her skirt is pulled tightly around her body by her position. She wears a sleeveless blouse and her hair, though pinned up, is falling slightly out of place. She struggles with the window, which she cannot quite open. The visual imagery implies that she is a helpless woman.

The opening colloquy between Mark and Reggie also establishes her gender as a focal point of the movie:

Mark: Shit, a woman lawyer. Oh great!

Reggie: I think so. Now why is it you think you want a lawyer?

Mark: I don't *want* a lawyer. I hate lawyers. Every lawyer I had just shafted me and my mom. I said I *need* a lawyer. I don't know about no woman [sic].

Reggie: And this lawyer that shafted you, what was her name?

Mark: It wasn't no her, it was a he [sic].

Reggie: Right.

Within the movie's confines Reggie is correct. The male attorney, Jerome Clayton, has "shafted" his client by telling Mark a confidence

⁸² Many viewers may see the police officer as an exaggerated character. Most of us would hope that no law enforcement official would speak to a child as this character speaks. At the same time, the police officer may be a cartoon-like representation of the fears engendered by Mark's encounter with the legal system. The visual aspects of the film support the latter interpretation. The camera enlarges threatening adults, whose faces loom over Mark in close-ups.

entrusted to him.⁸³ Mark needs to know whether Reggie will “shaft” him by acting as Clayton has done.⁸⁴ Her response to his question about client confidence is emphatic. She says that she would have to keep his secret. The scene establishes Reggie’s confidence and her insight into this child. Reggie treats Mark in a way that is consistent with his own self-image. He sees himself as a decision-maker, and she treats him as a potential client entitled to make his own decisions.

The scene in which Reggie confronts Reverend Roy establishes both her courage and her cunning. Mark has been in the room with Reverend Roy and his associates, all of whom except the local agent, McThune, are closely-cropped individuals wearing dark suits. Mark repeatedly asks the agents whether he needs a lawyer, and they insist that a lawyer is not necessary. Finally, Mark asks to go to the bathroom, indicating that he is cracking under their pressure. While the men are congratulating themselves on their performance, a knock on the door is heard. The men believe that it will be Mark, but instead it is Reggie, who enters with a wide-eyed and questioning look on her face, as if she were unsure of herself. The men respond initially by telling her that she is in the wrong room, a not so subtle suggestion that she is out of place in a legal meeting.

The table turns quickly as Reggie tells them that she represents Mark Sway and charges that they have attempted to interrogate her client without his mother present in a clear violation of his constitutional rights.⁸⁵ As the scene moves forward, Reggie deflects all questions directed toward her with the curt response that the answer is “none of

⁸³ General audience members cannot be expected to distinguish between the information entrusted to Clayton, which may not fall within the attorney-client privilege, and the information that Mark needs to give Reggie. Indeed, if Mark’s failure to tell what he knows is obstruction of justice there may not be much difference legally.

⁸⁴ The sexual imagery of this dialogue may seem inappropriate because Reggie is having a conversation with a child. It does not matter whether Mark understands the meaning of shaft, however. He may mean only stab in the back or harm. A more subtle inference is that because of her gender Reggie cannot shaft Mark.

⁸⁵ See *In re Gault*, 387 U.S. 1, 47 (1967) (holding that a minor child and his parents must be informed of the child’s right to counsel). Depending on the viewer’s own experience, the presence of a child’s parent at an interrogation may not be a familiar constitutional right. However, like Mark, many viewers have a legal education acquired from television and are quite familiar with the failure to give a *Miranda* warning, which Reggie also alleges.

your business." Reverend Roy watches his associates flounder under Reggie's questioning and then weighs in to take charge, but he is defeated by Reggie who greets his explanation with the expletive "bull shit."⁸⁶ Reggie shows a tape recorder and demonstrates that she wired Mark and can prove the falsity of their stories. She takes charge of the meeting, referring to the other lawyers as "boys" and setting the time at which they can appear at her office.

In subsequent scenes, however, Reverend Roy reveals that Reggie's bravado in their initial meeting masks not only her inexperience, but a troubled history of alcohol and drug abuse. Mark hears these accusations from behind a door in Reggie's office, and though Reggie is able to rally at the end of the confrontation by threatening to expose Reverend Roy to the media, Mark's confidence and trust in her has been severely shaken.

Reggie regains Mark's trust by establishing an emotional bond with him. She acknowledges her past history and reveals that she has lost custody of her own children. Like Mark, Reggie was a victim of the legal system,⁸⁷ but she overcame that victim status and discovered the limits of self-reliance. In the scenes in which she tells Mark that asking for help is not a weakness, she helps him to find a moral center consistent with his own ideals. These frames of the film are important, not only for the bond that is forged between Mark and Reggie, but also because of the way in which they affect Reggie's character development.

At the same time that the scenes make Reggie a more emotionally available and more sympathetic character, they have a strong impact on her image as a lawyer. During this part of the movie Reggie is in a sort of undress; that is, she wears jeans and a thin T-shirt that reveals her breasts. Her lawyer costume or mask removed, Reggie's character identification moves from lawyer to mother. Her emotional bonding with Mark is consistent with the latter role, but it is not entirely consistent with the lawyering activity that the viewer has previously witnessed. As

⁸⁶ Whether or not the screen writers intended, the use of this bovine-related expletive balances Reverend Roy's earlier expression of dislike for a female reporter, whom he called "an old cow."

⁸⁷ Having put her husband through medical school, Reggie was cast aside for a younger woman. Her doctor-husband prescribed drugs for her, and then asserted that she was drug-dependent in the custody battle. In the book from which the movie is drawn, the reader is given a more developed picture of Reggie's former husband, whose money gave him access to lawyers who unscrupulously waged the custody fight. See JOHN GRISHAM, *THE CLIENT* (1993).

her tough, scrappy exterior is removed, so is some of the control that she carried in the earlier parts of the film.

This film segment carries a complex and difficult message for viewers. On the one hand, the film implies that Reggie is a *better* lawyer than the others seen in the film, and that this preferred status proceeds from her gender. Reggie is a "throwaway" wife, divorced after putting her former husband through medical school. Thus, her victim status was gender-related. She understands the way that Mark feels powerless as a child because she has been powerless as a woman. The empathy and understanding that come from that experience make her the best, or most client-centered, attorney. By making Reggie's "better lawyer" status depend on her emotional connection to a child, however, the story also implies that Reggie's natural role is to serve as the child's nurturer or mother. In her relationship with Mark, she is not a lawyer but a mother.⁸⁸ Reggie is in the film to guide⁸⁹ and empower Mark, not to exercise her own adult judgment on his behalf.⁹⁰

Subsequent scenes in which Reggie represents Mark in the juvenile court proceeding show Mark taking the lead in his own defense. Once again, having received his legal education from television, he is able to think of taking the Fifth Amendment rather than revealing what he knows. In contrast, Reggie's arguments about inappropriate venue look desperate. When Mark escapes from juvenile detention and gets Reggie to agree that she will take him to New Orleans, he gains adult control over the situation. Reggie is no longer a lawyer; she is an outlaw.

Even as an outlaw, Reggie remains Mark's moral compass. As they thwart the bad guys, she prevents Mark from killing Barry "The Blade" Muldanno and avoids killing Barry herself. Once Mark's growing up "task" is done, Reggie can revert from her mother-guide role into the role of a lawyer, returning Mark to his real mother. Symbolically, in the final scene Reggie returns Mark to Diane Sway, who wears a dress given to her by Reggie. She also gives Mark her compass so that he will "never lose his way again."

⁸⁸ That Reggie is in danger of losing her lawyer status entirely is symbolized by Judge Harry Roosevelt's remark regarding Reggie's loss of objectivity and by her confrontation with Diane, in which Diane tells her that Mark already has a mother.

⁸⁹ Throughout the film Reggie wears her grandmother's compass around her neck.

⁹⁰ Mark's gender is as significant as Reggie's. In some ways *The Client* is just another version of the quest tale.

EPILOGUE

Although the movies that we viewed spanned more than forty years, used both comedy and drama to tell their stories, and involved a number of different kinds of women lawyers, the common thread that links them is hardly heroic. Instead, what stands out is the cautionary nature of the tales being told, even when the women lawyers involved are strong characters. At best, as in *The Accused* and *The Client*, the tales suggest that it is difficult to be a woman lawyer. At worst, they suggest that the women must *choose* between personal fulfillment and acceptability and their profession. In every movie the character who is a woman lawyer experiences limitations on her power from one source or the other.

Empowerment seems to be the central problem for these women. The fables told by these movies stand as a double warning. Women who look too much like successful men displace those men, and thereby risk the loss of love and acceptance from them. Women who reject cloning strategy and seek a different way of working, risk self-assignment to legal areas populated by other, needy women and children.

Often women's exercise of power makes them appear to be caricatures of men. In *Class Action*, Mary Elizabeth Mastroantonio's dress looks as nearly like that of the male attorneys as possible. Her manner of dress, of course, will not alter her gender. In fact, it may emphasize visually the fact that she is play-acting. Jessica Lange's bravado in *Music Box* and her attempted seduction of the government lawyer Burke over dinner at a restaurant are almost a parody of strong-arm tactics. Amanda Bonner's flirtation with her neighbor mimics Tom Attinger's antics with Beryl.

In other instances, the exercise of power is subtly associated with sexuality. In *The Client*, Reggie Love moves from defiance to flirtation in her dealings with Roy Foltrigg. Early in the movie she meets Roy's attempts to sexualize their interactions with hostility. By the end of the movie, she seems to react to those attempts in kind.

When women do succeed in getting the upper hand, generally it is not through the acquisition of wisdom and recognized authority. The paradigm that women mimic is a stock folklore character called trickster.⁹¹ As a folklore character, trickster achieves his or her end not by wisdom, but by manipulation.⁹² Often trickster's activity involves

⁹¹ FUNK & WAGNALLS STANDARD DICTIONARY OF FOLKLORE, MYTHOLOGY AND LEGEND 1123-25 (Marra Leach ed., 1972).

⁹² Portia, the archetypal female lawyer, has some of these same

deceit; in fact, sometimes it involves alteration of gender. Women lawyers in these films take on all of these characteristics. In *The Client* Reggie Love gets the upper hand over Reverend Roy Foltrigg, not because she is a better or wiser lawyer, but because she is clever enough to engage in the same duplicitous activity Roy has attempted. Symbolically she changes her gender by behaving like a man. She tricks Roy by recording the meeting. In *Adam's Rib*, Amanda tricks Adam into his flustered behavior by showing him her petticoat under the table, and she tricks the jury by getting them to see Doris Attinger as if she were a man. In *The Accused* Katherine Murphy tricks the men who incited the gang rape, as well as the rapists, by her change in attitude. Just when they all believe themselves to be safe from prosecution, she brings a lawsuit that seems much more difficult to win than the prosecution she bargained away.⁹³

Emotional response is a second problem for these characters. In every movie women succumb to their emotions in one way or another.⁹⁴ Women's attachment to principle is emotional, but so is their attachment to persons. Their anger is emotional, and so is their defiance. Women appear to be ruled by their emotions. More importantly, the outcome of emotion's hegemony has different consequences for women.⁹⁵

In two of the movies, *Adam's Rib* and *Class Action*, the women characters' actions suggest they are ruled by emotional attachments. Both films involve women who are committed to some principle. In the case of Amanda Bonner, that principle is equality of rights before the law for women. In the case of Maggie Ward, the principle is the protection of her client's hard won success. The films suggest that the female characters' opposition to the male character is not merely the source of dramatic conflict. This female opposition, grounded in emotion, is portrayed as unwise, stubborn, and obstinate. Their defiance is not the product of

characteristics. Although she appeals to mercy and justice, concepts that we might relate to wisdom, she wins her case by manipulating the rules. See Carrie Menkel-Meadow, *Portia Redux: Another Look at Gender, Feminism, and Legal Ethics*, 2 VA. J. SOC. POL'Y & L. 75, 101 (1994).

⁹³ See *supra* pp. 1044-45 and note 56. The subtextual message that Katherine is going back on a deal erodes the moral validity of her actions. Even though she is ostensibly trying to right a wrong, there is some connotation of promise-breaking present. Indeed, that is the problem with all tricking. It is not real, and it also carries other sexual connotations related to prostitution.

⁹⁴ See HASKELL, *supra* note 4, at 157.

⁹⁵ See Anne M. Coughlin, *Excusing Women*, 82 CAL. L. REV. 1, 90-91 (1994).

reason. While they are oppositional and defiant, the world is out of order. Only when they drop their defiance is harmony restored.

Moreover, these characters surrender power willingly for the purpose of reinstating a male character's hierarchical place. In both plots the woman ultimately empowers a male character, subordinating herself to his world view. In *Adam's Rib*, Amanda Bonner, whose principles seem utterly correct today, wins her lawsuit but loses her husband. When she chooses to save her marriage, she forfeits the ability to engage her husband in the spirited and adversarial debate that marked the movie's beginning. Adam Bonner has the last word in the film because his world view dominates. Adam does not have to account for any of his childish, surly, or even silly behavior. Instead, he gets to be a judge.

Maggie Ward, in *Class Action*, cannot win her case because her firm has no moral principles. She must surrender power and position, and symbolically give up her independence in her return to her father's values. Her anger is a wrong that she must recant for good to triumph. The consequence of her wrong behavior is disenfranchisement. She is silenced. At the film's end, it is her father who wins the case. Even on the "good" side of the lawsuit, Maggie is excluded from the counsels of power. Jed Ward, on the other hand, makes a modest apology for years of philandering, demanding and egotistical behavior, and unavailability to his child.⁹⁶ He wins a million dollar lawsuit.

Even when women do not surrender power in exchange for relationships, they can lose power because they trust their emotions. In *Music Box*, Ann Talbot loses power when she is unable to divine her father's past, a past she cannot contemplate because she has no objectivity. She defeats the government lawyer, Burke, but that defeat makes her discovery of her father's evil activity and her own too late. Her emotional involvement with the case has caused her to disregard not only rational assessment but principle. Moreover, it is her role as a lawyer that makes her feel culpable.⁹⁷ As a daughter, she has no choice

⁹⁶ There is no sign that his behavior toward clients will get better either. During the movie we see his associates moving the clients through the office, half-heartedly listening to their stories as they try to decide whether this client is of any use to their action. The legal theory of a class action lawsuit is that the plaintiffs' counsel can adequately represent the interests of a large and diverse, sometimes unknown, group of people. In this case, the lawyers do not even seem interested in the clients that they know. Even if this is not Jed Ward's behavior, he is in charge here. Other scenes in the movie suggest that these associates learned this attitude at his feet.

⁹⁷ See Serene Stier, *Legal Ethics: The Integrity Thesis*, 52 OHIO ST. L.J.

in parents. She is genuinely unable to conceive that *her* father is a monster. As a lawyer, she denies the evidence as it mounts before her. Like her father she has shared in silencing victims who were telling the truth.

Sometimes women appear as if they have discovered a different path. In two of these films women do not necessarily surrender power, but they share their power with other, less powerful characters. In both *The Accused* and *The Client* women attorneys grant disenfranchised persons — a child and a defiant, transgressive young woman — control over their lives by helping them to win legal battles. Power sharing, however, has the resonance of emotion, and it suggests sacrifice.⁹⁸ In both cases the relationship between the attorney and the client has familial overtones, a context which evokes emotion rather than rational thought. In *The Accused*, the two women are like sisters; in *The Client* the relationship is quasi-parental. Katherine Murphy sacrifices her reputation as a winning prosecutor to an idea that women should not be raped for revealing their sexuality. Reggie Love helps Mark Sway and his family to a new life, but at the end of the picture she gives up this child much like she has given up her own.

Each of these women corrects an injustice, so they may appear to overcome adversity. However, hidden behind this appealing picture is another, not necessarily appealing, notion. When there are less important, less attractive, less financially able clients to be helped, the work is done by women.⁹⁹ Just as emotional reactions are stereotypically expected of women, so is maternal self-sacrifice. While the association with caring and nurturing may make these women more emotionally appealing to the audience, it also inherently confines them to expected female roles. When women lawyers are involved, it might imply that they have a special obligation to practice in ways that may not be required of males.¹⁰⁰

551, 556-60 (1991) (noting criticisms of the idea that lawyers are not morally accountable for their clients' goals).

⁹⁸ See HASKELL, *supra* note 4, at 163.

⁹⁹ There is a more sinister corollary to the kind of work done by Reggie Love in *The Client*. In *Class Action*, the senior partner uses Maggie Ward to destroy the credibility of the named plaintiff. He tells Maggie that it "looks better" when a woman does this kind of work. A similar role is played by Mary Steenburgen in *PHILADELPHIA* (Tri-Star 1993).

¹⁰⁰ We do not suggest that this was the intention of those who have written about the development of an ethic of care. See Menkel-Meadow, *supra* note 92, at 86-87 (analyzing the possible effects of women lawyers on the profession).

Isolation and exclusion are also difficulties. Most of the women lawyers in these films are alone. There are no other women who have the same occupational status. All of their cohorts are male. Thus, they seem fated to accept the universality of male experience as the norm. When there are other women in the film, they are generally reduced to a dependent status, like Diane Sway in *The Client*, they die, like Stella Ward in *Class Action*, or they are ignored, like Doris Attinger in *Adam's Rib* and Georgine, the *Music Box* investigator. Within the film's reality they have no power, even though they occasionally may possess knowledge or wisdom.

The status of these other women results in part from women lawyers inflicting the same kinds of unfairness that is cause for complaint within the profession on other women outside the profession. Some of the women lawyers in these films seem unable to hear other women who are not lawyers or to recognize their experience. When the other women are clients, the attorney has a special duty to listen.¹⁰¹ Amanda Bonner does not understand her client, Doris Attinger, who does not really want to be the subject of a ground-breaking law suit.¹⁰² In the beginning, Katherine Murphy dismisses Sarah Tobias. Maggie Ward cannot listen to her mother. Ann Talbot does not listen to her African-American investigator Georgine, who has training in the same general area and who might actually save her.¹⁰³ Only Reggie Love seems willing, from the beginning, to connect with a less empowered woman.¹⁰⁴

¹⁰¹ See Mary M. Zulak, *Rediscovering Client Decisionmaking: The Impact of Role-Playing*, 1 CLINICAL L. REV. 593, 602-03 (1995) (concluding that effective lawyering requires listening "expectantly and appreciatively to the ideas of the clients").

¹⁰² See Lucie Arbuthnot & Gail Seneca, *Pre-Text and Text in Gentlemen Prefer Blondes*, in FEMINIST FILM CRITICISM 114-15 (Patricia Erens ed., 1990).

¹⁰³ There is a strong parallel between the character of Georgine in *Music Box* and Jed Ward's African-American male partner, played by Laurence Fishburne, in *Class Action*. In both cases, the African-American character, whose role is secondary to the main character, has more insight and understanding into the situation than the lead character possesses. Both make attempts to share that understanding, but the main character refuses to listen. Effectively, the only characters of color in these very white films are silenced. In addition, these characters are not best friends or sidekicks. In both cases they are there to serve the main character.

¹⁰⁴ However, as we learn later in the film, Reggie's willingness to connect may be based on similar experiences Reggie has had in her personal life. See *supra* note 87 and accompanying text.

The challenge in assessing cultural images of women as portrayed in mainstream film is complex. At the same time that the films we watched sent rather disheartening messages, we were, after all, watching and enjoying them. We suspect we are not alone. Some recent writers have suggested that women who view these films do not retain the negative messages and are empowered by the female presence and focus on the screen.¹⁰⁵ The problem with that theory lies in the possibility of embracing willful ignorance or denial as the appropriate reaction for adult viewers.

Thoughtful movie-goers of either gender, particularly those who are lawyers and law students, should ask themselves what it is that they are watching on the screen. We would suggest that when an audience is watching a Hollywood tale promoted as a story about women lawyers, it is also being presented with an important subtext. The woman lawyer's role in the film may be strongly tied to an historically gendered social role such as mother, daughter, sister, or wife. More importantly, the gender roles attached to women characters so infuse the moral choices offered to them that their status as lawyers actually becomes the subtext, rather than the main point of the story. We think that there are subtle dangers in the pictures drawn of women lawyers when the power and authority given to their characters is simply polarized between the image of aggression and ruthless domination, on the one hand, and the positive image of nurturing in a role tied to relationships associated exclusively with women, on the other hand. These characterizations contribute to the notion that women lawyers are only pretending, that their presence within the profession is not permanent, and that there is an inherent dichotomy between the idea of being a lawyer and being a woman.

We began our exploration of these movies in an effort to determine whether the visions of the Seneca Falls Convention have been realized. We conclude that the answer is, not yet.¹⁰⁶ Characters like Katherine Murphy and Reggie Love provide some hope. Perhaps we wish that

¹⁰⁵ See BASINGER, *supra* note 17, at 22-23. Professor Basinger describes her own experience in watching movies as a child as proof of her theory. One might wonder if a child's perceptions would equal those of adult females.

¹⁰⁶ We acknowledge that our conclusion may relate to our comparison between the women lawyers we have seen in these movies and the portrait of the militant suffragettes in the Public Broadcasting Series, *Shoulder to Shoulder* (PBS television broadcast, 1988). The series graphically depicted, among other indignities, force feeding of imprisoned suffragettes who engaged in hunger strikes. Some of these women died in the process, a fact too often forgotten today. It is difficult to measure up to that standard of heroism.

Katherine had not been so conflicted initially. In Reggie Love's case it is true that we are concerned about positioning this woman in a story that subordinates her power to that of a male child, but if Reggie *chooses* to practice that juvenile law, with a nurturing lawyering style, she does less damage than other images Hollywood has offered us in the past.

In the meanwhile, we might suggest that, theoretical criticism aside, women do have the personal power to affect the image factories in Hollywood. They can vote with their feet. They can go to see movies that speak to them personally¹⁰⁷ and reject those that do not. They can act more like the women at Seneca Falls, casting their box office votes for empowering images and rejecting gratuitous violence or activity that objectifies or demeans women. Who knows, someday they might even walk out of a movie or two.

¹⁰⁷ The recent success of *WAITING TO EXHALE* (Twentieth Century Fox 1995) is a clear indication that women can choose movies that touch them personally.

